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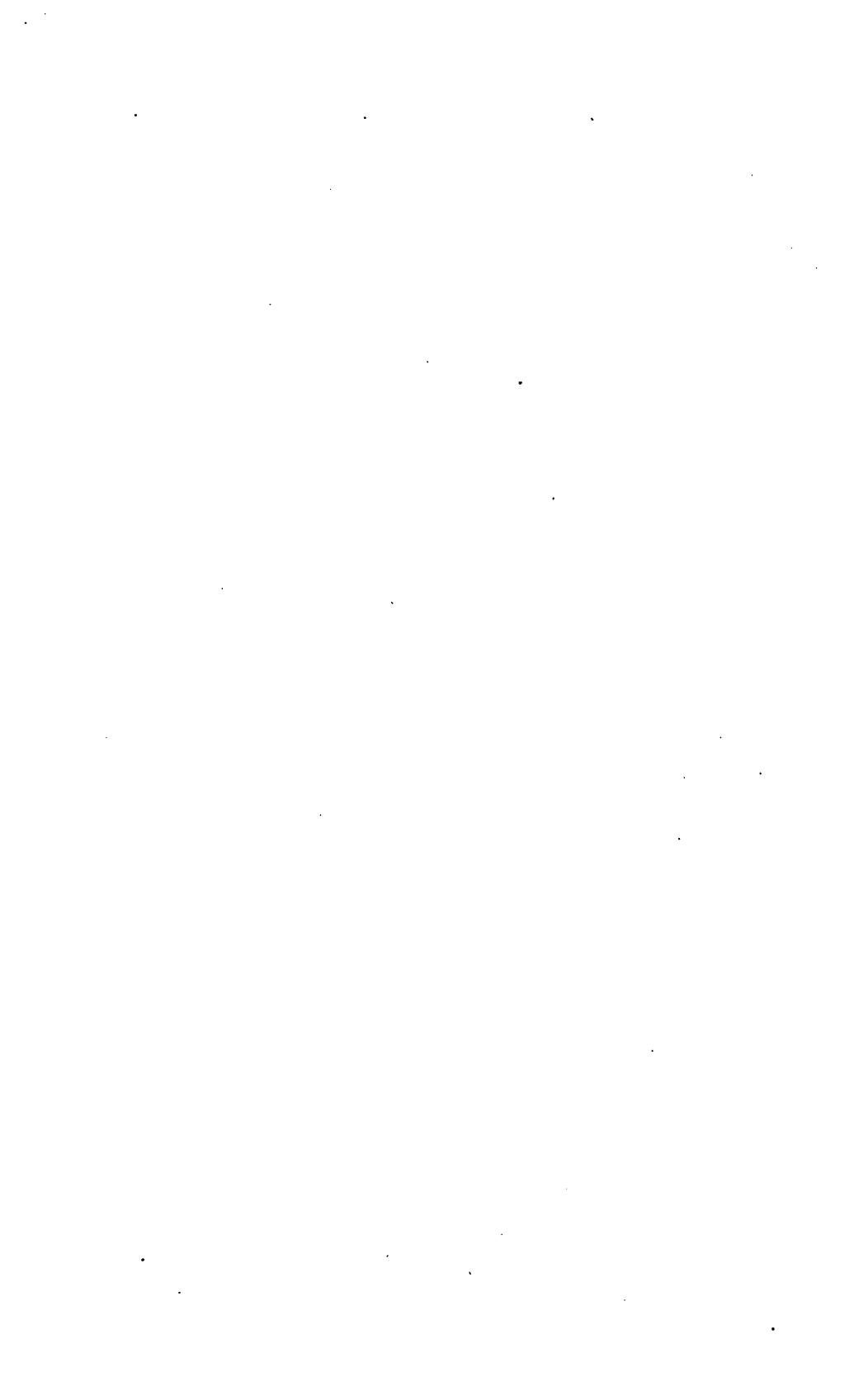


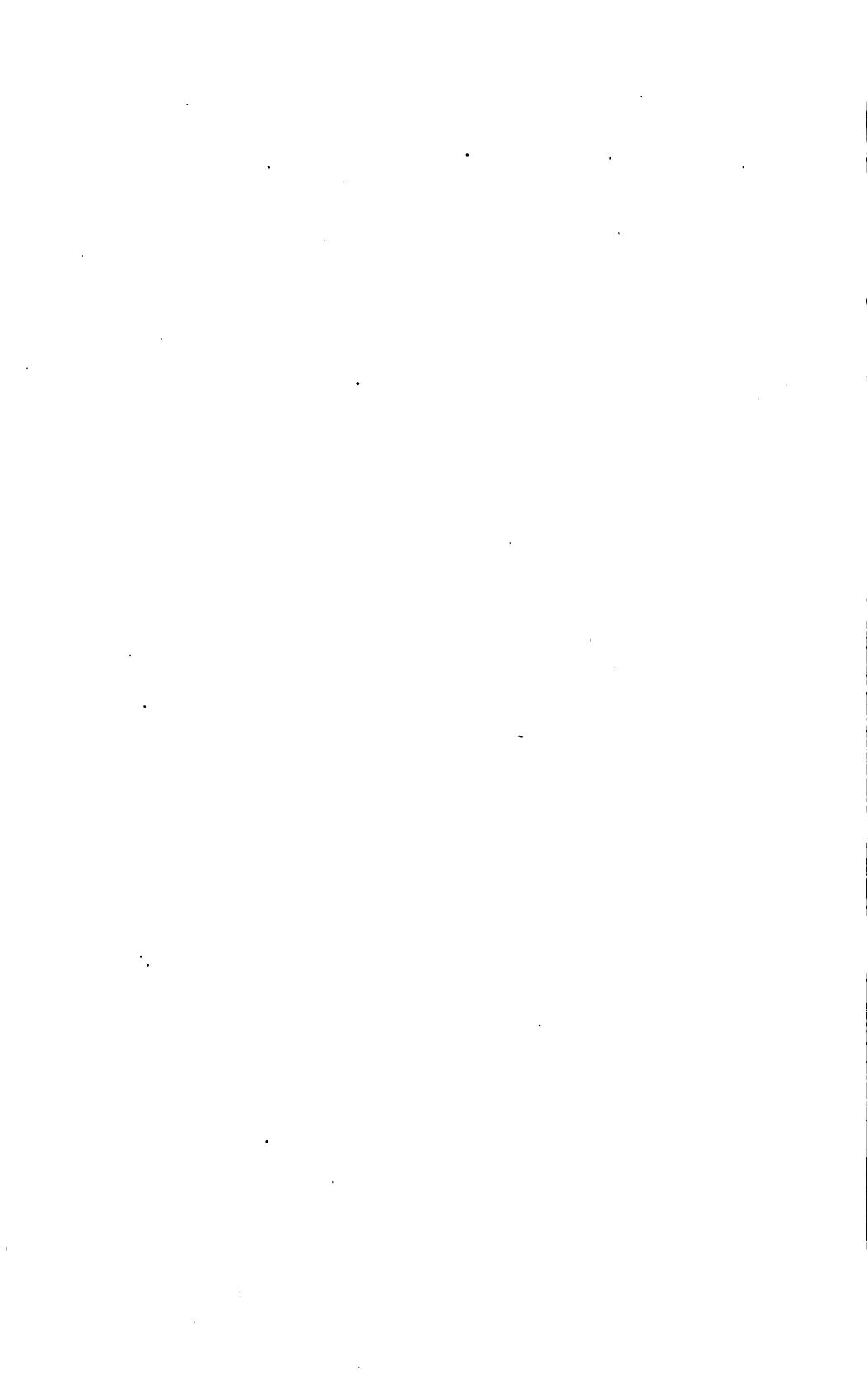


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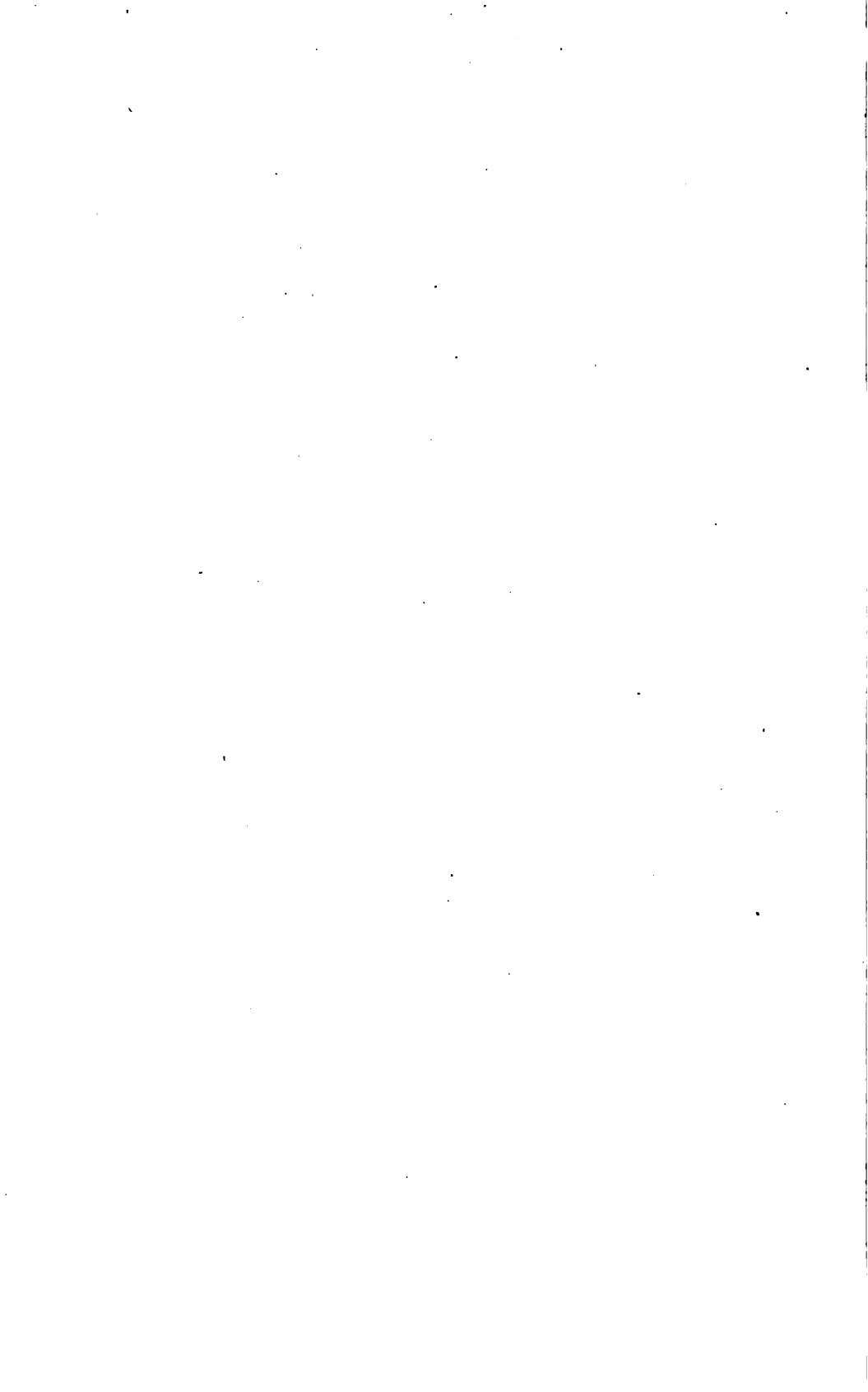
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HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE
AND FOREIGN COMMERCE ⁷⁷⁹
~~-733~~

OF THE

U. S. HOUSE OF REPRESENTATIVES

ON

THE PROPOSITION TO AMEND THE ACT
LIMITING THE HOURS OF SERVICE
OF RAILWAY EMPLOYEES

WASHINGTON
GOVERNMENT PRINTING OFFICE
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HOURS OF SERVICE OF RAILWAY EMPLOYEES.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Wednesday, February 5, 1908.

The committee met at 10.30 a. m. for the purpose of a hearing on the question of an amendment to Public, No. 274.

The Chairman, Hon. W. P. Hepburn, presided.

The CHAIRMAN. This meeting has been called this morning for the purpose of hearing some gentlemen who are friendly to a change in one of the sections, Public, No. 274, an act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. Mr. Gray will speak first for the gentlemen and will take charge of the order of the discussion. Mr. Gray will please state whom he represents.

STATEMENT OF MR. C. R. GRAY, REPRESENTING THE FRISCO LINES.

Mr. GRAY. Mr. Chairman and gentlemen of the committee, we represent all of the railroads. The committee is made up mostly on geographical lines for the purpose of showing that interest in the matter is coincident with the entire country. This bill has the support of the railroads almost in its entirety. The gentlemen present to-day are as follows:

C. E. Schaff, vice-president New York Central.
D. Willard, second vice-president Chicago, Burlington and Quincy.
I. G. Rawn, vice-president Illinois Central Railroad.
H. U. Mudge, second vice-president Rock Island lines.
C. H. Wickersham, president Western Railroad of Alabama and Atlantic and West Florida.

W. A. Garrett, president Seaboard Air Line.
C. H. Ackert, vice-president Southern Railroad.
G. L. Petter, vice-president Baltimore and Ohio Railroad.
C. R. Gray, second vice-president Frisco lines.

The CHAIRMAN. Will you read, before you proceed further, the proposition that you think ought to be enacted into law?

Mr. GRAY. The proposition is as follows [reading]:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended as follows: -

SECTION 1. That the last clause of section 2 of said act be, and the same is hereby repealed, and the following is enacted in lieu thereof:

"Provided further, That the Interstate Commerce Commission may, after full hearing and for good cause shown, under rules and regulations prescribed by said Commission, suspend the application of or extend the period within which a common carrier shall comply with the provisions of this proviso as to all or any of the offices of such carrier."

Sec. 2. That this act shall take effect and be in force from and after its passage.

Mr. RYAN. This is a proviso which says the first proviso may be suspended.

Mr. GRAY. That the first proviso is modified by the second proviso.

Mr. BARTLETT. Does it refer entirely to telegraph operators?

Mr. GRAY. The proviso applies to train dispatchers.

The CHAIRMAN. In what respect does it differ from the present provision?

Mr. GRAY. It differs in a material respect from the interpretation placed upon the law by the Interstate Commerce Commission. It is understood from the wording of the original law that carriers would have the right to present to the Interstate Commerce Commission, giving sufficient cause, for the suspension or extension of the law, so far as it affected the carrier or subdivision of the carrier, even down to one office, if necessary; but the interpretation placed upon this authority that we now have is that the Interstate Commerce Commission has no power to do anything but to have a hearing upon one particular office. In that respect the Interstate Commerce Commission must have an interminable job if it tried to do anything in the way of granting relief, and they have stated to us that they could not do it.

Mr. MANN. It would be ridiculous to expect the Interstate Commerce Commission to do that.

Mr. CUSHMAN. Is it your idea that there should be a power in the Commission to group in one class all the smaller offices?

Mr. GRAY. Our idea was that it would then be responsible to the Interstate Commerce Commission as to a certain method which we thought would be a fair one. After discussing this matter with the Interstate Commerce Commission, I think they would say that they would either have to exempt the carrier or to put it under the law.

Mr. RYAN. What is the purpose of this? Why do you want the law postponed?

Mr. GRAY. There are a number of reasons. The carriers contend that there has been created in the country an artificial scarcity of men required to put the law into effect; that in practically every other employment which the carriers use there is an effort made to educate and make competent the juniors. For instance, if we put a man on an engine as a fireman, he will get the sympathetic interest of the engineer, and through that association will become by his own method a qualified engineer. The same thing is true of a man on a passenger train or a freight train. He begins to get an education almost from that time from his superior, and he becomes, through that teaching, qualified to take the place of the engineer or the conductor, and subsequently to take any other position. In respect to the association of telegraph operators, however, they will not teach a person to become a telegraph operator. They have been for the last twenty years assiduously and carefully creating an artificial scarcity of telegraph operators.

The CHAIRMAN. What authority have you for making that assertion?

Mr. GRAY. We know it because we have seen it stated through the various journals and publications of the organizations, and we can show it for the information of the committee from one of their own officers. I have here a circular of the order of railroad telegraphers, dated St. Louis, Mo., June 10, 1907, over the names of the president and the grand secretary and treasurer.

The paper was inserted as follows:

THE ORDER OF RAILROAD TELEGRAPHERS,

St. Louis, Mo., June 10, 1907.

TO ALL OFFICERS AND MEMBERS.

DEAR SIRS AND BROTHERS: On account of the laws recently enacted by Congress and the various State legislatures regulating the hours of service for telegraphers, extraordinary efforts are being made by certain railroads in the matter of increasing the supply of telegraphers. In some instances they are offering small sums in cash to have our members teach boys the art of telegraphy; on other roads they are seeking to make it compulsory for our members to teach the art on penalty of dismissal from the service, and some are endeavoring to make the subject a matter of contract in our schedules.

As you are doubtless aware, thousands of competent telegraphers have left the business to follow other avocations on account of the scant pay, long hours, and the multiplicity of duties that have made the telegraph business an undesirable one to follow. A great number of these men would readily return to the railroad service if the conditions were made ordinarily pleasant and profitable.

At the present time a great number of the railroad companies are paying unskilled and ignorant immigrants better wages for their work than they are willing to pay well educated, skilled, and responsible citizens of the United States who have chosen telegraphy for their profession. If they were willing to pay anything like adequate compensation for the work done and the responsibilities assumed by the ordinary railroad telegrapher, they would have no difficulty in getting any number of desirable men to fill vacancies. While they consider from 14 to 17 cents per hour good wages they can not expect to have any great number of men making application for employment.

Therefore, you are urged to be mindful of your obligation and refrain from teaching telegraphy, except in accordance with the rules upon that subject. Strict attention should be paid to the provisions of your schedule in regard to telegraph students and the terms of our agreement with the employing companies should be lived up to faithfully.

The danger of accidents likely to be caused by having inexperienced boys tampering with telegraph instruments and train-signaling devices is sufficient reason for condemning such practice. Many fatal and costly accidents have been caused by telegraph students in the past year, and in most cases the teacher suffered more than the student, for he usually lost his position.

The Order of Railroad Telegraphers was primarily instituted for the protection and advancement of those who were actually employed as railroad telegraphers, and its chief function to-day is to promote the welfare of those who are following the business. It has made wise provisions in regard to the teaching of telegraphy and set its seal of disapproval on the indiscriminate methods that prevailed many years ago and which some railroad officials seem now desirous of resurrecting. When it is shown that under fair conditions more telegraphers are actually needed, arrangements will be made calculated to supply the demand. While there is such a disparity in wages paid telegraphers as compared to other legitimate railroad employees, it is plainly apparent that there is no scarcity of telegraphers or the wages would be higher.

Recollect that we have been told repeatedly, and oftentimes very harshly, that "The law of supply and demand governs wages," and this at a time when we were quietly petitioning for a little more pay. The question naturally arises, "Will the telegraphers now lower their wages by increasing the supply of available telegraphers?"

I do not believe they will. If they do, it will be a suicidal act fraught with danger to the telegraphers, the railroads, and their employees as well as the traveling public.

The hours of service bills reduce the earning capacity of telegraphers because they prevent them from making extra pay for overtime. Most of the bills read that "Telegraphers will not be required or permitted to work more than eight hours out of any twenty-four." Under such a law, it would be illegal to make overtime, and the one who did it would be subject to a penalty. Therefore, your wages as a maximum are set by your wage scale after the law goes into effect, and if you help the companies in making a surplus of telegraphers, you will make it difficult to put your wages where they ought to be.

I believe that you will readily recognize the truth in these statements and cooperate with the order for its future welfare and advancement.

You are requested to write the undersigned upon the subject and answer the following questions to the best of your knowledge at your earliest convenience, being careful to mention your certificate and division number, as well as showing upon what road you are employed:

(1) How many experienced railroad telegraphers are there in your town or county, or employed on railroads, who are in other lines of business where a knowledge of telegraphy is not requisite?

(2) How many of them would accept service as railroad telegraphers at a minimum wage of \$80 per month for an eight-hour day?

(3) Give the correct initials and name and post-office address of all such telegraphers.

(4) How many telegraph students are there on your division and where are they located?

(5) Do you know of any railroad telegraphers out of employment? If so, furnish their names and addresses.

(6) How many stations or offices are there on your division where but one man is employed to transact the business of the company?

(7) How many additional telegraphers will be required on your railroad, division, or district when the Federal hours-of-service law becomes effective?

If this information is furnished promptly, it will be beneficial to the order and yourself in many ways.

The number of answers received will have considerable bearing upon the results; therefore each member should treat this as a personal communication and answer it as soon as possible.

Thanking you in advance, I am,

Yours, fraternally,

Attest:

L. W. Quick,

Grand Secretary and Treasurer.

H. B. PERHAM.
President.

They say here: "Strict attention should be paid to the provisions of your schedule in regard to telegraph students, and terms of our agreement with the employing companies should be lived up to faithfully." In almost every schedule it is provided that the railroads will not require a telegrapher to teach other telegraphers. The agreement of the railroad with the Telegrapher's Association is that the railroads will not require telegraphers to teach others.

Mr. RYAN. Have you no other way of teaching operators excepting through that organization?

Mr. GRAY. Yes; and the railroads have gone to quite a length in an effort to provide telegraphers.

Mr. ESCH. What road besides the Pennsylvania has done that?

Mr. GRAY. A number of other railroads have paid student apprentices \$25 a month to go and learn telegraphy. These schools are only of the smallest benefit. In those schools they learn only the rudiments of telegraphy.

Mr. TOWNSEND. Who teaches them?

Mr. GRAY. That is the difficulty. We can not get them taught except as they pick it up. It is opposed by the organization of telegraphers. The student apprentice simply works this little instrument and learns as best he can under very adverse conditions.

The CHAIRMAN (to Mr. Ryan). Allow him to finish his statement.

Mr. RYAN. He said they were paying student telegraphers \$25 per month and there are cases where they only pay telegraphers \$25 per month.

Mr. GRAY. I have never known of a rate of wages of that kind for a telegrapher. There may be such, but I do not know of any on our lines. Our minimum is \$60 per month, but it runs up as high as \$80, \$85, and \$90. A telegrapher rarely ever enters the service with an

idea that telegraphy is going to be his vocation. He goes to a station and learns the business, and works there diligently with the hope of being promoted, and he is promoted as rapidly as his capacity can be shown.

Mr. TOWNSEND. What position does he have in view ultimately?

Mr. GRAY. Practically every member of the committee appearing before you to-day are telegraph operators. A man generally graduates into a train dispatcher, and from that he is promoted to a train-master, and from that to superintendent or general manager. He can aspire to any position in the railroad company.

Mr. BARTLETT. I think you read that paper for the purpose of showing that these telegraphers declined to teach others and therefore created an artificial scarcity of such employees.

Mr. GRAY. Yes, sir; they are moved to do that in order to increase the rate of compensation.

Mr. MANN. Do you claim that there is a great scarcity of telegraphers?

Mr. GRAY. I only state our experience. We have tried probably for three months to equip 40 miles of our line in Alabama, from Jasper to Birmingham, with enough operators for a block system; we offered \$60 per month, and we were never able to adequately man and put that piece of road in operation.

Mr. ESCH. It is claimed that by reason of the recent strike thousands and thousands of men are out of employment throughout the United States who are perfectly willing to accept positions by reason of this law, and it is therefore claimed there is no scarcity of telegraphers.

Mr. GRAY. We can show there are no men and the other gentlemen can say that there are plenty of men; and all we ask is that there shall be some competent tribunal that can ultimately pass upon the matter.

Mr. ADAMSON. Does not the question of price or wages make the trouble?

Mr. GRAY. I do not think so. These gentlemen request information upon the subject of how many telegraph operators are willing to work as railroad telegraphers at a minimum rate of \$80 per month for an eight-hour day. Those answering are requested to be careful to mention their certificate and division number as well as showing upon what road they are employed. If all of the men employed on railroads throughout the country were given \$80 per month it would amount to \$20,000,000 per annum to the railroads.

Mr. MANN. You mean that the increase in wages would amount to that?

Mr. GRAY. The increase in wages for the entire mileage of the United States.

Mr. RYAN. What is the average rate of pay, including the train dispatchers and the men along the line, on any big system in the United States?

Mr. GRAY. Most of the train dispatchers are paid high wages.

Mr. RYAN. And those outside of the train dispatchers are paid quite low wages.

Mr. TOWNSEND. Is not the trouble now that you do not pay wages enough? If you paid better wages, you could get plenty of operators.

Mr. GRAY. No, sir. We do not believe that we could. We say that we can not, and the gentlemen say we can. The law goes into operation on the 2d of March, and we are confronted with the condition that the only recognized order has created an artificial scarcity of men.

Mr. TOWNSEND. What reason have you for believing you will be compelled to pay \$80 per month?

Mr. GRAY. This circular goes on to say:

"You are requested to write the undersigned upon the subject and answer the following questions to the best of your knowledge and at your earliest convenience, being careful to mention your certificate and division number as well as showing upon what road you are employed:

"How many experienced railroad telegraphers are there in your town or county, or employed on railroads, who are in other lines of business where a knowledge of telegraphy is not requisite?

"How many of them would accept service as railroad telegraphers at a minimum rate of \$80 per month for an eight-hour day?

"Give the correct initials, name, and post-office address of all such telegraphers.

"How many telegraph students are there on your division, and where are they located?

"Do you know of any railroad telegraphers out of employment? If so, furnish their names and addresses."

Mr. TOWNSEND. Don't you think it would be better for you to get this information? Have you tried to get men to fill places in compliance with this law?

Mr. GRAY. That is the reason. This was fixed sixty days subsequent to the settlement of the telegraphers' strike. You will understand that the strike did not decrease the number, but it simply substituted one set of men for another.

Mr. TOWNSEND. Have you tried to get men?

Mr. GRAY. We have been trying for three years. We have not been able to get them.

Mr. TOWNSEND. Have you discovered, since the price has been raised to \$80, why it is that the men have not applied for employment? What is your experience in reference to that matter?

Mr. GRAY. I can not answer that directly. You can not tell why a man does not apply for employment. We know we can not secure men, even though we pay more than is paid in that neighborhood.

Mr. ESCH. After the enactment of the law, when you knew it was going into operation, why did you not make effort to secure a complement of men?

Mr. GRAY. We supposed that the matter would be settled by the Interstate Commerce Commission. We came here and asked them for a hearing and wanted to get them to make a ruling.

Mr. ESCH. When did you make that effort to get them to make a ruling?

Mr. GRAY. Last Monday.

Mr. RYAN. That effort was to get a postponement of the law.

Mr. GRAY. We wanted to get them to pass upon the matter.

Mr. STEVENS. There are quite a number of telegraphers scattered throughout the United States. What relation do the students who go into that employment bear to the telegrapher's association. Is it agreeable?

Mr. GRAY. When a man gets through one of those schools he is simply able to send and receive, but he does not understand the rudiments of railroad work and it is really essential that he should go in and learn the fundamental principle of handling train orders, signal orders, etc. We have been glad to take all of those who have been through schools.

Mr. STEVENS. When they have gone through the schools do the regular telegraphers get on with them?

Mr. GRAY. Well, the telegraphers papers are full of references to students here and there on different lines of railroads, and they are not spoken of with any favor.

Mr. STEVENS. Do they not get so they can do the work after a little coaching.

Mr. GRAY. They do not get sufficient instruction through schools to take up railroad work immediately.

Mr. TOWNSEND. I had supposed from my experience that there were apprentices at work learning telegraphic science, employed on railroads with the regular operators, the old men, so to speak, and that those students finally found employment with the railroad company.

Mr. GRAY. That is impossible so far as the organization is concerned. It is a powerful organization. If an apprentice belongs to this organization, he can not teach telegraphy.

Mr. ESCH. If an apprentice is put into an office, is that justification for the regular telegraphers, a man belonging to the organization, leaving?

Mr. GRAY. I could not say what his action would be in that case. Telegraphers do not teach apprentices. We have said that we would dismiss any official who attempted to prevail upon others to teach telegraphy. We may want a man to stay in the office and we can not keep him if he teaches telegraphy.

Mr. ESCH. Did that maintain prior to the recent strike?

Mr. GRAY. Yes, sir.

Mr. STEVENS. Why did you tie your own hands in that matter?

Mr. GRAY. We have been compelled to do a good many things we did not desire to do.

Mr. STEVENS. Suppose Congress and the Interstate Commerce Commission refuses to modify this law in the matter to which you refer, what would happen?

Mr. GRAY. So far as the lines that I represent is concerned, we would have to close a sufficient number of offices to enable us to equip the remaining offices with the proper number of men.

Mr. STEVENS. Would that affect the lines outside of the offices that were closed?

Mr. GRAY. It would affect the traffic of the country, as in that case undoubtedly we would have to go a great deal slower. It would restrict the dispatch of business.

Mr. STEVENS. Would it make any difference in the signaling of trains?

Mr. GRAY. In my opinion, a very material difference.

Mr. STEVENS. In what way?

Mr. GRAY. Adversely..

Mr. STEVENS. Why?

Mr. GRAY. For the reason, as I stated, closing the number of offices would affect the methods, the ways, and means of the train dispatcher in handling the trains. I want to say that every railroad of any magnitude in the country has for years been attempting to accomplish just what is contemplated on the title of this bill—to provide safeguards for its trains, passengers, and employees through safety appliances. These methods, our experience has proven, lie in the extension of the block signal, through the use of the telegraph operator, where the line is not able to bear the expense of the automatic signal. The knowledge of the law, prior to its operation, has already affected them adversely, because they have contemplated that they would be compelled to have additional expenses under this head. This bill makes provision for the installation of these appliances which experience shows to be sufficient.

Mr. ESCH. To what extent are railroads now operated by telephone?

Mr. GRAY. Upon a single track it is more or less of a success, but upon a double track the telephone is not put in with any success, but a block signal is provided.

Mr. ESCH. The Burlington road has established it.

Mr. GRAY. Yes, sir. On a portion of our road they have a double track.

Mr. ESCH. Do you find it efficient?

Mr. GRAY. The use of the telephone on a double track would not be approved by any competent board of railroad managers. On a single track it would have the protection of the block signal.

Mr. TOWNSEND. From the circular you have read it would be indicated that you can not get the men because they are going to charge \$80 per month?

Mr. GRAY. I will answer that in this way. Up to the 1st of October the railroads of the country looked at this matter with a different degree of concern from the way in which they look at it to-day. In other words, we have increased our expenses very materially in installing the block-signal system and now we have found an enormous slump in business.

Mr. STEVENS. Do not some of the roads have schools along their lines for instruction of the men?

Mr. GRAY. Yes, sir. Our establishment of the apprentice system was due to this very law.

Mr. STEVENS. How do the new men get along with the regular operators?

Mr. GRAY. It has been largely a matter of personal equation. One new man may be able to work there, but we may put in another fellow and he will not progress. We have only been able to employ 25 or 30 apprentices at any time on our entire line.

Mr. TOWNSEND. Suppose that you advertised to-day for telegraphers. Don't you think that you could get them?

Mr. GRAY. Candidly, I do not think we could.

Mr. TOWNSEND. You have not tried.

Mr. GRAY. We have not tried that method, because we have thought that railroad men needing employment would go to the nearest railroad point.

Mr. TOWNSEND. Judging from my experience—and I suppose some of the other Members have had a similar experience—we have been

receiving letters from various organizations of telegraphers claiming that they wanted employment. Their letters state that they have not even asked an increase in wages. You say it is largely a question of dispute, you claiming one thing and they claiming the other.

Mr. GRAY. We have officials who look up this information. We know there is a serious situation in securing men. Men are not applying in Texas, Oklahoma, nor Alabama; at least we have not been securing them. That is the thought that our committee had in asking for this legislation. We are up against this condition. We do not want the operation of telegraph offices interfered with, because we do not feel it would be in the interest of the traffic of the country.

Mr. STEVENS. You have tied your own hands by contract. You have established schools of telegraphy, as a good many other roads have. Can you not send those students to other roads where there is not much work?

Mr. GRAY. That is exactly our method.

Mr. STEVENS. Then will not the deficiency be gradually filled up, and will not you be able to get relief under the present law?

Mr. GRAY. No, sir; we can not get any relief under that law. If we go to the Interstate Commerce Commission, as we expect to do, after we have made a fair and honorable attempt to enforce this law, we have found that we can get no relief. We must either close our offices or violate the law; the latter of these we do not desire to do.

Mr. ADAMSON. From the language read the object seems to be to secure the names of all telegraphers who want jobs. Have you tried to get them from that source?

Mr. GRAY. No, sir; we do not know the source of their information. If I were a telegraph operator, I would take in just as many names as I thought they wanted. I would do that, putting myself in the place of the operator.

Mr. RYAN. Suppose they did send in the names. They have a right to protect themselves.

Mr. GRAY. We do not deal with any except our own employees.

Mr. RYAN. I do not believe you have made sufficient effort to secure men and avoid the appalling condition to which you refer, that men could not or will not learn telegraphy, and that they are asking \$80 per month. You have given the name of only one place, Jasper, Ala.

Mr. GRAY. The Illinois Central has had experience of the same kind. What we are endeavoring to show is that if the Commission does not agree to this, and they say that they have not been able to do it, we believe that we would be at a disadvantage under the present law. But we have got to do that. The burden is upon us. We must show that as a practical thing.

Mr. ESCH. Suppose we liberalize this provision as to every railroad system of the country; will it not have the tendency to work an extension of the time, just as was done in the case of the safety appliances?

Mr. GRAY. Yes, sir. That is what is contemplated. It is to be done under the rules and regulations of the Interstate Commerce Commission. That Commission is a busy one and it would be impracticable for them to handle all these things. It could only put this into effect gradually. We could say that we could use a certain number of operators now and later on a certain number more, and

it could go on this way until the object of the law has been attained. The main object will not be lost sight of.

Sooner or later the method of the operation of railroad trains is going to be inaugurated by this Congress, or by some subsequent Congress, and the safety-appliance law is going to be placed in the hands of the Interstate Commerce Commission. Safety appliances will not be applied here and there as the condition warrants and justifies. We are approaching that condition. Now, suppose a railroad with a length of 100 miles and with a strong traffic, under the rules of the Interstate Commerce Commission and the act of Congress, should install an automatic signal, admittedly the best modern method of safety. Now, we have done that. In that case the operator is absolutely disregarded as a matter of safety. He is convenient, but he is not absolutely necessary for safety. He simply carries out the orders of the train dispatcher. If he makes an error the block signal will catch it. The expense of installing the block signal is \$2,500 to \$3,000 a mile.

The responsibility for the safety of a train is removed from the operator. This is what we intend to accomplish on our line.

Mr. BARTLETT. I understood that the object of the act was to limit the hours of labor of telegraph operators.

Mr. GRAY. Yes, sir.

Mr. BARTLETT. It says in some cases it shall be nine hours a day and at certain times it shall run as high as seventeen hours a day. Is it provided that under the law you can keep a telegraph operator employed at certain stations an unlimited number of hours?

Mr. GRAY. The Commission makes rules and regulations as to that.

Mr. BARTLETT. How many hours a day do these men at these small offices work?

Mr. GRAY. The average is twelve hours. We divide the day into twenty-four hours. A man has an hour for dinner and an hour at midnight, and if he is required to work those hours he is paid for it.

Mr. BARTLETT. That would be at small offices where there is not much being done.

Mr. GRAY. Yes, sir.

Mr. BARTLETT. Do they not have a great deal to do besides the general telegraph business of the road?

Mr. GRAY. They handle the work of the railroad at all of the small offices.

Mr. BARTLETT. Taking into consideration the idea that you would continue offices as you do now, would the Commission have an opportunity to say whether or not you could do without certain operators?

Mr. GRAY. Our idea has not taken practical shape as yet, but we think that we will be able to present to the Commission practical reasons. It may be that we will run into this question of telegraphy. Then, again, conditions may arise that will enable us to do without this relief. We may be able to show, where we have a telegraph office operated, that we will close it for protective reasons. We may reach a point where we may want to keep in touch with the movement of two trains during the night, so that if something should happen and we would want to reach that place we can not do it unless we have a man on duty.

Mr. WANGER. Has your company filed an application to the Commission in this matter?

Mr. GRAY. We were completely dumfounded when we found there was no relief. We got up the data and we intended to ask the Interstate Commerce Commission to make an order affecting the carrier, just as they handle everything else. We thought that a complaint of poor management here and there could be investigated and reported upon and if necessary the order could be changed. We believe that as the condition would appear to them they could issue an order which would be automatic in its application.

Mr. RYAN. Is it not a fact that one of the sources of complaint is upon the part of the man in the small office who is telegrapher, baggagemaster, switchman, and everything—the man who receives only \$35 per month?

Mr. GRAY. We do not have any wages of that sort.

Mr. RYAN. Is not that the case with other roads?

Mr. GRAY. I do not think so.

Mr. RYAN. We have had that sort of testimony.

Mr. BARTLETT. I think the Commission has declined to consider anything except in case where each office was specified and the reasons given.

Mr. ADAMSON. You did not file any petition with the Commission.

Mr. GRAY. No, sir; I simply asked Mr. Knapp about it.

Mr. TOWNSEND. Did he suggest any method of relief?

Mr. GRAY. No, sir; he said that the Interstate Commerce Commission simply would construe the law.

Mr. WANGER. I assume that they did not declare that they would not obey the provision of the law as it related to this matter.

Mr. GRAY. Not in that sense. We were told finally that there was no relief.

Mr. WANGER. Perhaps you did not present the case as it might have been presented. I suppose that if this proposition be adopted it will be a matter for the consideration of the Commission; and if they should say that they would not consider it for any reason, you would still be in a hopeless condition.

Mr. GRAY. I admit that. We believe that we are entitled to relief. We believe that it is the intention of the law that we should have relief. The Interstate Commerce Commission say that under the express wording of the law they can not grant it.

Mr. ESCH. It is merely an opinion; not an adjudication of the Commission.

Mr. GRAY. It has come to us as official expression.

Mr. ESCH. Is it a matter of record?

Mr. GRAY. Yes, I suppose so. We went before them in a formal way and it was made a matter of record.

Mr. WANGER. Was the application in writing or was it made verbally?

Mr. GRAY. It was made verbally.

Mr. STEVENS. Don't you think that under this law the Interstate Commerce Commission has the right to make rules and regulations governing the matter?

Mr. GRAY. I think so. The Commission said that we got in at the eleventh hour and that they could not discuss it. We said that we did not think there was any question about our right for a relief under this law.

Mr. TOWNSEND. You expected to ask the Commission to take hold of it?

Mr. GRAY. Yes, sir. I thought we could show upon what we based our contention, but the Commission said that our contention was not good.

Mr. STEVENS. The Commission did not say it could not be done on general cases.

Mr. GRAY. Only as to one specific case.

Mr. STEVENS. They meant one office.

Mr. GRAY. Absolutely one.

Mr. KNOWLTON. They would have to take each individual office.

Mr. GRAY. Yes, sir.

Mr. ANDERSON. I think you would have to file a petition in each case.

Mr. GRAY. I can only say in reply to that that in the meantime we will suffer and the public will suffer.

Mr. STEVENS. What you wish to be understood as to this is that business conditions were such on the 1st of October that you expected by the 4th of March to be able to comply with requirements of this law, but now you are asking relief.

Mr. GRAY. The expense was not contemplated.

Mr. STEVENS. Expense which you did not contemplate at that time?

Mr. GRAY. We expected that if we could not fill the office we would have to close it. We wanted to present this condition.

Mr. STEVENS. On the 1st of October you thought you would probably have to apply to the Interstate Commerce Commission for relief?

Mr. GRAY. We never contemplated otherwise.

Mr. STEVENS. When did you first make application?

Mr. GRAY. I have been preparing data since early in the fall. I was afraid that in preparing the information I would be criticised and therefore I took the heaviest month for that reason. After passing through three-fourths of the year, I went back and took the month of August. I think some of the other roads took the month of October. Our heaviest month was August, and I took that month simply because I did not want to be subject to criticism.

Mr. STEVENS. You expected you would have to make some application, but you did not make an application until within a week or so.

Mr. GRAY. We discussed the matter among ourselves and we found that there was the impression that the matter would have to be presented in different ways. We tried to make it so that it would be along the lines of the practice of the Commission. It has not been easy, as you can conceive, to do anything in the last two or three years. We have ascertained more in the last three months than we formerly could in that many years.

Mr. STEVENS. Have you been able to operate your trains with a considerably less number of operators than formerly?

Mr. GRAY. We have done it.

Mr. STEVENS. Are not the operators on railroads compelled at small stations to handle commercial business—that of the Western Union Telegraph Company?

Mr. GRAY. They do commercial and railroad telegraphing.

Mr. BARTLETT. The discontinuance of these offices would not only work to the detriment of the telegraph operator as to his employment, but it would discommode the public.

Mr. GRAY. It would put the telegraph operator out of employment.

Mr. ADAMSON. You would move him away to another station?

Mr. GRAY. Yes, sir.

Mr. BARTLETT. It would put him out of employment at that station?

Mr. GRAY. Yes, sir; to that extent. It may be that our fears in regard to this matter are entirely unfounded, but if the law goes into effect and the Interstate Commerce Commission maintains their position, as they say they will do, we will have no recourse. If the railroad is not able to supply the men because it is not able to afford the expense, and the business goes further down, we will have no recourse but to close the office, and I submit that that is a serious condition. We do not want to be forced to do that. There ought to be some tribunal to which we could appeal.

Mr. TOWNSEND. What assurance have you or the country that you will maintain those offices?

Mr. GRAY. We may have to close them anyway. If we are not afforded this relief we may be compelled to close them. We ought to keep those offices going, regardless of where our business goes.

Mr. ADAMSON. I suppose that where a train operator works for you and the Western Union you both contribute to his salary.

Mr. GRAY. They contribute to his salary on the percentage paid upon the business done for the Western Union.

Mr. ADAMSON. That increases his income.

Mr. GRAY. Yes, sir.

Mr. RYAN. Where he does express messenger's business, is he paid for that also?

Mr. GRAY. If he is the only messenger; but in the majority of places there is an express agent.

Mr. WANGER. I think you referred to a school conducted by the Pennsylvania Railroad Company.

Mr. GRAY. I think some member of the committee referred to it.

Mr. WANGER. Do you know whether graduates of that school are competent railroad telegraphers?

Mr. GRAY. They must have experience. I imagine the results have been about like our own experience.

Mr. WANGER. You referred to schools not connected with the railroads of the country. Is it not fair to assume that the railroad schools would teach railroad business to their students?

Mr. GRAY. Yes, sir; certainly, as time progresses, we are going to utilize every method on earth of encouraging the learning of telegraphy.

Mr. ESCH. If your telegraph staff can be used on the block-signal system, would it afford relief to the operators on other parts of the line where they would have telegraph instruments?

Mr. GRAY. It would operate as a great relief upon those roads where they have a considerable portion of block signal.

Mr. WANGER. Why is the telephone safe on a double track and unsafe on a single track?

Mr. GRAY. I would say that where we have a block-signal protection there is not so much opportunity for a figure or a word being

misconstrued. No railroad would send train orders by telephone. If we can not advance a train by the block signal, we can not let it go. The operator is a matter of convenience, but he is not a matter of safety. The signal will be there; and if an operator misunderstands an order, there is nothing worse caused than delay.

Mr. BARTLETT. In these small offices, where you only have one operator, do you keep him on day and night? How do you propose to ask the Commission to remedy that situation where there is only one man employed to do the telegraphing?

Mr. GRAY. We take no exception to the law.

Mr. BARTLETT. How did you employ the operator before this law went into effect?

Mr. GRAY. His time of service is based on twelve hours' work, including time for meals. If he works overtime he is paid.

Mr. BARTLETT. Where you have only one man do you work him all night?

Mr. GRAY. Those requirements are very slight. If there is a necessity for night work, two men are employed.

Mr. BARTLETT. So that one man will work in the daytime and one will work at night?

Mr. GRAY. Yes, sir.

Mr. WANGER. You have no desire to work men overtime?

Mr. GRAY. No, sir; we live up to the law. Instead of calling him, as we probably might, we let him alone and the train will probably be delayed.

Mr. WANGER. The law provides for further exemption in case of emergency.

Mr. GRAY. Yes, sir. The telegraph operators do not object to the overtime feature. It is the railroad company that usually holds them down to the limit, because when they are kept overtime it increases the expense.

Mr. STEVENS. Overtime is paid for at a greater rate?

Mr. GRAY. They are never paid at a less rate.

The CHAIRMAN. Have you any trouble in securing men for additional hours with these wages?

Mr. GRAY. No, sir.

The CHAIRMAN. What is the rule? Are they willing to work overtime for overtime pay?

Mr. GRAY. Yes, sir; that is my experience.

The CHAIRMAN. What is the ordinary overtime payment?

Mr. GRAY. Twenty-five cents per hour.

Mr. WANGER. Extra?

Mr. GRAY. Yes, sir.

Mr. CUSHMAN. Wherein does that add to the safety of the traveling public? Is the traveling public better protected if the men are paid less?

Mr. GRAY. No, sir. I just made that answer to the gentleman's question. The block signal is there as a danger signal all the time.

Mr. CUSHMAN. It was asserted when this matter was up for consideration that its enactment would be a matter of safety to the traveling public by reason of having relief from long hours. If they serve extra hours in order to get more pay, wherein is the public—traveling public—benefited?

Mr. GRAY. We can not do that under the law now. There is no overtime paid at a station operated continuously, because one man relieves the other. In some cases one man will "sub" for the other.

The CHAIRMAN. Is overtime service voluntary on the part of the employee or is it compulsory?

Mr. GRAY. It is agreed, practically, at least by implication, as to block-signal operation, that there is wages paid for overtime beyond a specified hour.

The CHAIRMAN. Does the employee seek the overtime work for the overtime pay?

Mr. GRAY. I can not say that he does. I do not know that. I know that in a great many cases it is very gladly done.

Mr. RYAN. In some offices that are continually operated, where there is only one man employed, it often happens that a man is required to be on duty because there is no relief for him. Is that man allowed extra pay?

Mr. GRAY. In that case he is exempted.

Mr. RYAN. Where you have only one man and he has to perform additional duty, such as occurs when there is excursion business and in the case of special things that require him to be on duty, what is done in that case?

Mr. GRAY. When the law goes into effect we will simply have to close the office.

Mr. RYAN. That can be done only three days in a week.

Mr. GRAY. We would close the office after the time specified elapses.

Mr. HUBBARD. Have you put on paper the amendment which you want to the existing law?

Mr. GRAY. Yes, sir; it is here and will be in the record.

Mr. HUBBARD. Will you file a copy of the order made by the Commission? I understand that the former order was entered.

Mr. GRAY. I can not say that it was formally entered.

Mr. HUBBARD. Can you get a written statement from the Commission as to the action taken on your application?

Mr. GRAY. It occurred to me that perhaps this committee would call upon the Commission for that. I did not care to ask that. I would be glad to have it done if the committee desires it.

I would like to ask Mr. Wickersham to address the committee at this point.

FEBRUARY 5.

STATEMENT OF MR. C. H. WICKERSHAM.

Mr. Chairman and gentlemen of the committee, I think that the statement of Mr. Gray, in reply to some questions asked, makes it proper for me to recite to the committee some of the duties of an agent, a telegraph operator, and a train dispatcher in explanation of the feeling that seems to be prevalent in the minds of some gentlemen as to the large responsibility of a telegraph operator and the belief that such duties are much greater than they really are in actual practice. I may be able to throw a little light on the question as to why it might be best to close some of the minor offices without any real danger to the movement of trains.

It may or may not be generally understood by the members of this committee as to the modus operandi in handling trains on modern railroads not equipped with the block signal. As a rule north or east bound trains have assigned the right of track according to the classification.

Passenger trains north or east bound have the absolute right of track, regardless of the character of the trains going in the opposite direction. In other words, should the wires all go down through sleet or other catastrophe, the trains would move east or north, but the south-bound trains would have to remain on the side track until the trains that were supposed to meet had passed. If the wires are working and anything should happen to the superior train, the inferior train going in the opposite direction would necessarily be delayed until the train dispatcher released it.

Take stations A, B, C, D. A passenger train may leave station A at a certain hour and a passenger train may leave station D in the opposite direction. The train with the right of way leaving station A would proceed regardless of that train; but the inferior train, if they had a meeting point at station C, when it reached station C, if the superior train had not arrived there, it would have to wait there indefinitely.

Say a train had left station A, where they might have a hot box or a derailment, and the operator at station B would read that that delay was taking place and the train would probably be delayed one hour. He would send a message to the moving train telling it to meet and pass the inferior train at station B. When that train received that order from the train dispatcher it would move on up and avoid that long delay, meeting at station B. It would reserve the right up to that point. If there was no operator at station C, or no telegraph office, that inferior train would have to wait indefinitely or until the superior train was in position to move, which would make each and every delay more, no doubt, and the passengers would be tired.

It would not necessarily mean danger. It would mean only a long delay. That operator who might be stationed at station B, unless he was paying particular attention to the instrument, would know nothing whatever about the other train being delayed; but the train dispatcher would. The operator may have been uptown and when he came to the office would find the train dispatcher. He would answer the train dispatcher, and then the train dispatcher would give him that order.

Now, that operator is simply acting mechanically; in other words, it would be just as if one of you gentlemen had an important measure to dictate which might have required weeks and months of great study. You might call in your stenographer and dictate it and in a few minutes the stenographer would hand you the transcript. That work might be more or less mechanical. It does not require a great strain to take down the dictation.

All the operator has to do is to put down what the train dispatcher tells him. The board is always out as a danger signal, and no train can pass there until he pulls down that board. He may have received the order, and his attention might have been taken from it, so that he could go and perform some other duty. He does not necessarily keep that particular order on his mind all the time, because the board is

standing out there as an absolute direction, and when a train approaches the conductor comes and says to the operator, "Have you anything for me?" The operator will say, "I have a train order for you." He hands the order to the conductor, and is then absolutely relieved from any further responsibility. He then pulls the board down and the train proceeds.

I only go into this to show that this intense tension that the operator is supposed to give to the movement of trains does not require that great concentration of thought which it is supposed to do. It is mechanical, and unless there is willful carelessness there is no necessity to get into trouble.

Mr. ESCH. That does not release the liability of his making an error in a figure.

Mr. WICKERSHAM. That is repeated.

Mr. STEVENS. There may be an error caused by the wording of the transcript, which may not be understood, in the orders handed to the conductor.

Mr. WICKERSHAM. I think that is simply criminal carelessness. We can not guard against that. We do everything to employ competent people, but we can not be right there to tell them what to do. In employing an operator, he is put through an examination, and his character is looked into. His past history is scrutinized to see whether he is competent and whether or not he is a drinking man. We have been doing everything we can to get schools for this class of men. That is the great trouble in taking a man from a telegraph school. As a rule, all that they learn there is how to receive and send a telegram. A man, to be a competent telegraph operator, must be fairly familiar with the rules of the railroad company and must understand more or less about moving trains. He must understand something about the right of trains, and must be versed in the operation of a railroad. The only proper way to learn that is to get into the actual railroad atmosphere. It is something that must be picked up by actual experience. You can not learn it from books.

I am a telegraph operator and a train dispatcher, and I have been through all the lines in that branch of telegraphing and railroading, and I know just what a telegraph operator has to do.

Mr. HUBBARD. Does any railroad company maintaining a school include that sort of training in its course of instruction?

Mr. WICKERSHAM. There may be some. The general average of the schools advertised pay particular attention to getting a man so that he becomes a proficient operator, that he can go into the commercial branch of the business.

Mr. HUBBARD. Does not the railroad school attempt to familiarize a man with the movement of trains?

Mr. WICKERSHAM. No, sir. We have two schools in Atlanta.

Mr. HUBBARD. Are they maintained by the railroad companies?

Mr. WICKERSHAM. No, sir; although we endeavor to get efficient men, in order to do so we have to take a man in as a helper.

Mr. HUBBARD. The school could not give him that instruction?

Mr. WICKERSHAM. No; unless there was a practical railroad man to instruct him. It is better to put him on the railroad and instruct him there on pay.

Mr. ADAMSON. That is a post-graduate course?

Mr. WICKERSHAM. Yes, sir. My only object was to try to direct your attention to the fact that this terrific strain which seems to be in the minds of some as to the duties of a train operator is not such as it is thought to be. There are other branches of the service where the responsibility is much greater. I believe the section foreman has a greater responsibility than the telegraph operator.

Mr. KNOWLTON. The chief responsibility is in the train dispatcher's office?

Mr. WICKERSHAM. The train dispatcher is the head, the heart, and the soul of the operation of a railroad.

Mr. ESCH. Does not this bill provide long hours for the train dispatcher?

Mr. WICKERSHAM. I do not know of any railroad that overworks the train dispatchers. They appreciate that there is where the responsibility rests. No railroad company places any particular strain on an operator. It never made me gray-haired.

Mr. RYAN. I think that the telegraph operators in my section work twelve hours.

Mr. WICKERSHAM. I have worked fifteen and eighteen hours, all day and night, but the average telegraph operator—and I was no exception to the rule—do not necessarily go to bed after their day's work. I have known some of them to be especially active at 2 or 3 o'clock in the morning.

Mr. RYAN. I shall have to defend them against that assertion as to my section of the country.

Mr. WICKERSHAM. I speak from my experience on the Pennsylvania road. I have no reference to the South.

(At 12 m. the committee took a recess until 2 p. m.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Wednesday, February 5, 1908.

AFTERNOON SESSION.

The committee met at 2 o'clock p. m., pursuant to the taking of recess, Hon. William P. Hepburn (chairman) in the chair.

STATEMENT OF MR. DANIEL WILLARD.

The CHAIRMAN. I think that the statement the committee would prefer to hear you upon, Mr. Willard, would relate to the difficulty or impossibility of securing the needed telegraphers under this law; what has been done in that direction, what has been done in opposition, or in restraint of that success by any interested parties, and the cost that it will be to the public or to the road in case, under the present conditions, you comply with this law.

Mr. WILLARD. I thank you for your suggestion, Mr. Chairman, and I will try to follow in that direction. I would not like to have it thought, nor do I think, that the committee that is here is here to-day opposing the law. The law has been passed, but it seemed to us before we came here, and that belief seemed to be confirmed by what we listened to on the part of this Commission this morning, that it was clearly the intent of the framers of the law to provide for a cer-

tain review, and it also seemed clear that the Interstate Commerce Commission, which body was to grant the review, does not feel that the law does the thing that it was intended to do, and our mission here is to see if by interpretation or by amendment it could not be arranged so that the law would do the thing that really it was intended to do as to that particular point.

In reply to that inquiry, I will confine my remarks only to the Burlington road. We have about 2,000 operators employed at the present time. We have between 500 and 600 offices, day and night. Some of those, the train dispatchers' offices and the important relay points, are now equipped with three men working eight-hour tricks, but the great majority of them are working ten hours, as they have done in the past. When this law becomes effective, of course, it means, if no relief is granted by the Interstate Commerce Commission or in any other way, that we will be obliged to put on three men at all day and night offices where now only two are employed. We estimate that that will take, if we keep all of our present offices open, something like 500 additional men. We are very much of the belief that it will be, if not impossible, extremely difficult at least to get men to fill those positions, and we are planning to obtain the additional men by closing such other offices as can be closed, either day offices or day and night offices, and the men so relieved we will put in places where day and night offices must be retained, and where only two men are employed at the present time. Our reason for believing that it will be difficult to do that thing is because we have had difficulty in the past, at times, in manning offices which we now have open.

The question was asked this morning, what is the average wage paid operators to-day? I am glad that I can answer that for the Burlington road. I have the information here. Leaving out relay offices and leaving out dispatchers' offices, the average wage paid the operators we have in our employ to-day east and west of the Missouri River—and I mention that because there is a different wage scale east and west of the river on the Burlington system—is \$60 a month. Including operators at relay offices and not train dispatchers the average wage is \$62 a month. Of course that being the average it means there are some offices paid less than that. The lowest wage paid on the Burlington to-day is \$45 a month, and we have only three offices at that wage. As I said, we have had great difficulty in the last year in getting telegraph operators at times to keep open the offices which we now have, and on account of that we have not expanded, as rapidly as we would have expanded, the block system.

We had arranged to equip our entire line from Chicago to Denver with manually controlled blocks. This arrangement was made last winter, before the passage of this law. We have the machinery purchased and in our stock. We have inaugurated about one-half of the distance arranged for in our plans, but the last 500 or 600 miles has not been equipped with the instruments, because it would mean, wherever the instruments are installed, the continuous operation of that office day and night, whether there were any other duties to be done besides that of operating and blocking trains or not; and on the west end of the Burlington system there are many places where operators are employed, where offices are open day and night, and the

operator has no other duties whatever than that of a mere telegraph operator, because we have no station open at that place. We had expected when we originally considered the plan that we would be able to open day and night offices with the employment of two men in all, but when it became necessary to employ three men and we realized the difficulty which we might experience in getting three men, we decided that we would not install that system until we had seen how this matter worked out, and so this has been held up, and that is the reason, briefly, why we expect we will have much difficulty in obtaining a large number of additional men at a time when all other railroads are striving at the same time to get additional men also.

As to the artificial limitation of operators, I do not know that I can add anything to what was said this morning. I believe it is well understood that for many years the Order of Railway Telegraphers has endeavored as much as possible to limit the education of operators in offices. I believe that it is a fact that on most roads the companies have been forced to yield conditions in their schedules with their operators wherein they have agreed not to require telegraphers to teach students. I believe it is a fact that the teaching of students is in violation of the tenets of the order, and while I am not conver-sant with the interior rules of the order, I reach my conclusion because of the difficulty we have in getting our agents to teach students, because of the circular that was referred to at this morning's meeting, and also because of the frequent and continued utterances in the magazine that is the official organ of the Order of Railway Telegraphers that the order is not changed. If no relief is granted on the 4th of March, such as we hope may be granted, we will, of course, comply with the law—there is no doubt about that—and under the existing circumstances we will be able to comply with it perhaps with less difficulty than would have been the case two or three months ago, and for the reasons mentioned this morning. The number of trains we are running now is so much less than it was three months ago that we can close offices that we could not well have closed at that time.

We hope to be able, if we are obliged to comply with the law as it stands, to close enough offices to release 300 to 400 men where they are now employed and put them in other places. While it would take something over 500 men, if we have to hire new men and keep all offices open, we will be able to release 300 to 400 men where they are now employed, because the offices where they are now will not exist. In that way we will comply with the law. We think it is unfortunate in this way, because that action, which we think will be forced upon us, will interfere with the prompt movement of trains, it will interfere with the efficiency of the railroad, and without doubt it will operate to some extent at least to interfere with the prompt movement of traffic; and, then, there is one other feature that we can not overlook, which is that at many of our lighter stations there are small communities, and they depend upon our railroad operator for such commercial telegraphing as may be necessary, our man acting also as the agent for the Western Union. The commercial business at many of those smaller stations would not justify the maintenance of a separate office, so that if we close the railroad office and are able to do without and handle our own business in that way and put the operator elsewhere, it will deprive those communities of the service they have had in the past.

Mr. STEVENS. Have you any objection to my asking you a question at this point?

Mr. WILLARD. No, sir.

Mr. STEVENS. Your road operates from the Lakes to the Rocky Mountains, if I remember correctly?

Mr. WILLARD. Yes, sir.

Mr. STEVENS. Nearly all of the States through which you operate have railroad commissions?

Mr. WILLARD. I think they have.

Mr. STEVENS. What action will these commissions take if you close those offices?

Mr. WILLARD. I can only answer in this way: The commission in Nebraska, foreseeing what might occur, issued an order last week, of which I received a copy, that no station in the State could be closed or in any way changed without permission from the State commission. I have not talked with our local officers about that, but my own opinion would be that if we are obliged to maintain an agent at the smaller offices to sell tickets and handle freight, if it should develop that the commission has the right to do that particular thing, it would not follow necessarily that we would keep an operator there, but we could employ someone to bill freight and sell tickets who was not a telegraph operator, and we should probably work that out on that basis. I expect we would do that; I do not know.

Just one other matter. This morning reference was made to the practice on the Burlington road with reference to the use of the telephone for moving trains. It is true that we have substituted the telephone for the telegraph in some instances for the train movements. How far we will go with that we are not quite able to tell yet. We have 150 miles of double-track road working in that way, and satisfactorily. We propose immediately to extend it over some of our single track where the conditions are such that we think we can do so with perfect safety, and if that works as we expect we shall continue and substitute the telephone for the telegraph as rapidly as possible. Of course the telephone operator will come under the operation of this law, and he will not be a skilled person in any respect, and we will probably be able to fill those places with the disabled persons in our service; but the extension of the telephone is going to be a difficult matter, and we can not extend it all at once. We have moved as rapidly as we could.

I have not anything more to say, unless you have some questions to ask me.

Mr. STEVENS. Has the Burlington road conducted any school for the instruction of telegraph operators?

Mr. WILLARD. Yes; in a small way.

Mr. STEVENS. Where?

Mr. WILLARD. I think at Aurora, and I will say this for the Burlington road, that it so happens that the schedule we have with our operators makes no reference whatever to the teaching of students, but it was tacitly understood that that practice will not be objected to on their part. It has been objected to, but I imagine that we have been able to develop more students in our telegraph offices than is generally the case.

Mr. STEVENS. Please tell us about your school at Aurora. When did you start it, and what do you do?

Mr. WILLARD. I want to qualify that. We arranged to start a school there in the summer, but whether we did or not I must confess I do not know, and I can not tell you anything about it. I can only tell you what we planned to do, and it was handled by the general manager.

Mr. STEVENS. Do you know anything about the conditions of the schools of the Northern Pacific and the Great Northern roads?

Mr. WILLARD. No, sir.

Mr. ESCH. What attitude has the Wisconsin commission taken on the eight-hour law with reference to operators.

Mr. WILLARD. I can not answer that. Our line is not so extensive in Wisconsin. We have closed certain stations, and in one particular case we had instruction from the commission to open it again. I think their attitude will be to prevent as far as possible the closing of any office that is now open.

Mr. ESCH. I understood that would be their attitude.

Mr. WILLARD. I understand that will be it. If that is all, Mr. Chairman, I am very much obliged.

Mr. GRAY. As apropos of the question you ask as to experience in the employment of additional men, I would like to have you hear from Mr. Rawn, of the Illinois Central.

STATEMENT OF MR. I. G. RAWN.

Mr. RAWN. Mr. Chairman, it is not the purpose of the committee representing the railroads to unnecessarily detain your committee or take up your valuable time, and I do not know that very much more can be said on the subject than has already been stated. Therefore I shall have but a very few words to say on the subject. It would seem to me that the purpose and intent of the law is all that there is to be considered. There was an evident intent upon the part of Congress to pass a law to conserve the safety of employees and travelers upon railroads, and it seems to me that that is the only thought really in connection with this, and the proper application of the law. It is not the purpose of the railroads, at least of the committee representing the railroads here, to in any respect question the law. We are only here for the simple purpose of explaining to this committee that the interpretation put upon the present law by the Interstate Commerce Commission is such that when Congress adjourns it leaves us without a tribunal to pass upon the merits or demerits of the cases which may be brought into question under this law. It seems to us a very unusual condition. It seems to us that the intent of the law was to give to the Interstate Commerce Commission a certain authority of review.

Evidently those having charge of that bill considered that a review was essential under that law the same as all others, and we were very much surprised, as has been stated to you, to find that that Commission, the tribunal mentioned in the law, has no province; at least their construction is such that the authority which they consider delegated to them makes their authority useless. They have none at all. They could not hear and dispose of the individual cases, construing it as they construe it to mean the individual stations—construing the particular case as an individual station, they could not hear and dis-

pose of the cases of the different railroads within a period of years. Therefore, if there was any intent, and it is fair to assume that there was, upon the part of Congress to delegate to the Interstate Commerce Commission any authority, that has failed, based upon the interpretation of the Interstate Commerce Commission. We do not think the Interstate Commerce Commission want to evade any responsibility. We have not been impressed that they want to evade any responsibility, but they very candidly give us their interpretation of the law, and that interpretation means, to reiterate, that they have no jurisdiction, effective or practical.

I assume all persons who have had to do with this law, with the making of it, or who were interested in the defects, are only interested to the extent of its becoming effective in the direction indicated—namely, to promote safety. If this is left open without a court of competent jurisdiction to construe the merits and demerits of this case, I beg to say to you people, and without fear of successful contradiction, that there will be a great deficiency in the results obtained in the direction of promoting safety. I do not believe that the railroad companies are prepared to say that there should not be any nine-hour offices. I will not say that. On the contrary, we are perfectly willing that any office that ought to be made a nine-hour office should be made a nine-hour office. What should not be nine hours should be regulated by some one in authority under this law. It is not for the railroads to say—we are not asking that we be given the authority to say—what we shall or shall not do under that law, but we are asking that the law be in such shape that we can discuss the merits and demerits of this proposition with some one in authority, that is all; and it seems to us we are not attacking the law or the merits of the law; we are not attacking the fundamental principles of it; we are simply asking for a court of jurisdiction.

In connection with the block-system matter, I would like to say that I have had some recent experience with it. During the period of the past four years the line I represent, the Illinois Central, had established on single-track lines the manual-control block for an aggregate distance of 800 miles. Prior to four years ago we had no manual-controlled block on single track. We had some automatically controlled block on double track, but the manual-controlled block required the use of telegraph operators. Over the territory of 800 miles it required the employment of 192 additional operators. Those offices are worked continually the twenty-four hours. I merely mention that incidentally. The increased cost was \$132,000 a year. We felt perfectly warranted in incurring that additional pay-roll cost because of the additional safety surrounding the operation of trains. That means something. That means to conserve and promote the safety of employees and travelers. We have a record of a number of collisions that would have occurred had it not been for this manually controlled block.

Mr. ESCH. So that it was a good economic investment?

Mr. RAWN. Absolutely so; and we have had in mind the extension of that, if you please. We have in mind plans made for the extension over thirty-seven districts, aggregating about 250 miles, and we have held it in abeyance for the past few months because the introduction of the third man, or dividing up the twenty-four hours into three forces, creates a very decidedly increased cost, and in some of that

territory without warrant, we think; but in thinking that we beg that we be given an opportunity to state our case to some court of jurisdiction, that is all. There are a great many of these offices in the block district that I speak of, located at a sidetrack, without any village or any habitations around them except a few farmhouses, with no business whatever excepting blocking of trains, and they are put in as a safety proposition. We think some court of jurisdiction should pass upon the equity, as to whether the men employed there are entitled to work eight hours or twelve hours. They are now working twelve hours; that is, twelve hours is their requirement, exclusive of the meal hours, day and night. By reason of working the meal hour at noon and midnight they are paid overtime.

Mr. WANGER. What proportion of the 192 extra men put on to the operation of this system are on eight hours and what proportion are on twelve hours?

Mr. RAWN. They are all on twelve hours; none of them are on eight hours. The shorter hours, shorter than twelve, worked by the telegraphers on the system I represent are in the very heavy offices, what are called the relay offices. They are on nine and ten hours' service, but other than that the general rule is the twelve-hour service, exclusive of one hour for meals—regular eleven-hour service.

Mr. RYAN. In the event of your getting no relief here, as asked, do you anticipate any trouble in filling the places, in getting telegraphers?

Mr. RAWN. I would think so.

Mr. RYAN. What, if anything, have you done in that direction?

Mr. RAWN. We have no telegraph schools, but we have now for the past ten months, I should think, been taking more or less students from the telegraph schools and placing them in our offices as helpers at a salary of \$25 a month, and in that way we have gotten some additional men, but no surplus, because we have had difficulty at times even then in filling our offices. I want to state as an individual opinion, if you please, without the knowledge of my associates on this committee, I think it would be possible for the railroads to-day to get some additional operator, because of the depressed condition of business in the country, but I think that the number would be very insignificant in comparison with the total number required if the railroads of this country were to keep open their present offices and comply with the law literally.

Mr. STEVENS. How long does it take you to make a good railroad operator out of a good commercial operator; that is, for him to learn the signals and the railroad technique?

Mr. RAWN. Not a great while. Commercial operators would learn within a short period in offices where there was straight telegraph business in handling signals. It would not take a great while.

Mr. WANGER. What do you mean by a great while?

Mr. RAWN. If we would hire a competent commercial telegrapher he would be competent in a few weeks—ten days or two weeks—to operate signals and things of that kind—handle train orders.

Mr. ESCH. As the result of the commercial telegraphers' strike, were there not quite a number of telegraphers left without employment?

Mr. RAWN. Yes, sir.

Mr. ESCH. Would they become available for your purposes?

Mr. RAWN. I would think so. That is what I have in mind, if you please, in saying that I think there is some supply now. I do not know but it would be competent for me to say that the result of the best investigation we have been able to make shows a surplus in that direction of possibly 2,500 to 3,000 men, while the estimates made by this committee of the operators needed to operate all of the offices in the United States as now operated, and comply with the law, would require 15,000 additional men. That was one reason why I said a moment ago the railroads have no desire to ask the members to abrogate this law. We simply want an opportunity to start it, and if we have a competent review, let us advance step by step and determine, if you please, when we get to the proper point.

Mr. STEVENS. Now, let me ask you a question and put on record exactly what the situation is. If there is no change in the time of putting this law into effect, how many small telegraph stations do you estimate would be closed on your line by the lack of operators after you have exhausted all reasonable efforts to get them?

Mr. RAWN. I would suppose we would close 150 offices.

Mr. ESCH. How many miles of road belong to your system?

Mr. RAWN. Fifty-six thousand.

Mr. STEVENS. If you made a complaint to the Interstate Commerce Commission setting forth particularly each one of those offices, and giving as a reason for discontinuing the lack of operators, and showing your efforts to obtain them, if they were reasonable and sufficient, do you not think that would come within the language of that proviso that each case would be a particular case, although they would be joined together in one petition, and that the Commission would have the right to investigate each case upon the facts as to each case and decide each case as to the facts of each case, although they might be joined in one application? Is not that a reasonable view of that proviso?

Mr. RAWN. That is exactly the view that the railroad operating people had prior to our coming to Washington.

Mr. STEVENS. And that has been denied by the Commission, has it?

Mr. RAWN. That has been denied by the Commission. But, as I wanted to say a moment ago, it is not proper for me to make an apology for this Commission or anybody else, and we do not want to convey the idea that we have not been treated with consideration.

Mr. STEVENS. But I want to know what the situation is.

Mr. RAWN. The Commission has stated to this committee that their interpretation of that act is that they have no jurisdiction beyond that of investigating each individual station.

Mr. STEVENS. My question included each individual station set out by itself.

Mr. RAWN. But as I followed you, while they might investigate each individual station, yet it is a collective matter after all.

Mr. STEVENS. No; my statement was this: You said 150 stations, for example, would have to be discontinued. You would set out the names of 150 stations on your system, giving the facts in general, that you had exhausted reasonable efforts to obtain operators.

Mr. RAWN. Or for any other reason?

Mr. STEVENS. Yes; and that the same reason applied to those 150 stations, and all of the facts that applied to one station applied to

all of the 150 stations; you would set out all of those facts and proof of those facts as to each one of those 150 stations, naming them in your petition. Does the Commission maintain that they could not entertain an application of that kind?

Mr. RAWN. That is my understanding; and therefore the committee representing the railroads, if you please, are here simply asking that the Commission be given authority which will enable them to do just what you have stated. That is all we are asking.

Mr. CUSHMAN. In making such an application, in grouping these offices together in the manner suggested by the gentleman from Minnesota, is it not probable that there would be, in addition to the inability on the part of the railroad to get sufficient operators, a further reason in the case of certain stations, like that station you spoke of a moment ago, where you would not desire or would not need but two operators?

Mr. RAWN. I understood the gentleman from Minnesota simply used the lack of operators as illustrative, and that it was simply that the railroad would present a petition pertaining to a number of stations where the conditions were similar, regardless of what those conditions might be. That was my understanding.

Mr. STEVENS. That is right.

Mr. ESCH. How long will it take to put a young man who is apprenticed to one of your operators in a station in condition so that he can take the responsibility of a station?

Mr. RAWN. I would say that it requires, say, an average of eight months for the average bright young man to learn telegraphy and become competent to run an ordinary or a small railroad office. If he is a bright young man and has the opportunity of being in and about the station, and therefore of necessity getting railroad experience, at the expiration of eight months he would be competent to take a small office.

Mr. STEVENS. Does your company have a contract which precludes the possibility of your operators giving instruction to apprentices?

Mr. RAWN. Yes, sir; in effect. We have a contract with the telegraphers by which we agree not to require the operators to teach telegraphy.

Mr. RYAN. Do you think the telegraphers' organization have combined or taken any other means to prevent the enforcement of this law by the railroads.

Mr. RAWN. Not that I know of.

Mr. WANGER. What would you think of a proposition to amend the law regarding these day and night offices in the United States requiring you to put this in effect on the 4th of March, so that it should go into effect in a certain percentage of them at that time, a year later, or six months later a larger number, and so on until it covered the 150 stations?

Mr. RAWN. I would say that that would be immensely preferable to the present condition. I think the railroads, this committee, and all railroad-operating people feel that it is perfectly competent that a portion of the offices should be put upon a nine-hour basis in conformity with this law, and that may increase to such an extent that a very large percentage will ultimately be upon that basis. We

think simply that that law should not be made effective as regards the 100 per cent at this time.

Mr. RYAN. You remember this is a year after the enactment of the law.

Mr. RAWN. I realize that; but the conditions are as we state, and the thing that appeals to me personally most is the equity. The law intended, as I understand, to prevent working operators excessive hours, as to do so endangered the operation of the trains and endangered life. That was the object of the law. If there are offices which will come within the provisions of this law and the operators are to-day working twelve hours with one hour off for meals, and it is thought by some one competent to pass upon that, that such an operator is not working excessive hours, he should be allowed to remain on his present hours; but those who are working excessive hours now, owing to their excessive duties, should be relieved. In other words, it should be graduated so as to attain the object stated in this law.

Mr. RYAN. This law does not state any such thing—that there should be any discrimination at continuously-operated offices.

Mr. RAWN. I realize that; but I was taking what I presumed was the intent of the law—to promote the safety of employees and persons in traveling. Now, I assume that the desire is to accomplish the greatest amount of good in that direction. I did not mean to say that the law provides for some being exempt and some not being exempt; but it is reasonable, I think, to suppose that the proviso giving to the Interstate Commerce Commission jurisdiction in this matter meant that some one should pass upon the merits and demerits of any controversy that might arise. I think that is a very reasonable assumption. Otherwise I know of no reason why the Interstate Commerce Commission should have been given any jurisdiction at all; and all we are asking, Mr. Chairman, is that that we be given a court of resort so that our matters may be passed upon. It is not the intention or thought of the railroads to evade putting more or less offices on the nine-hour basis.

Mr. ADAMSON. The reason of the proviso—the reason of giving that jurisdiction to the Commission—as it was stated by certain of the conferees who stated it to the entire body, is that some of the carriers thought they could not possibly be ready for the operation of the law and desired in case of special stations to have the privilege of asking an extension from the Commission.

Mr. RYAN. That was the way I understood it—never to give them the right to suspend the operation of the law, in any case.

Mr. ADAMSON. Yes; the conferees agreed to that.

Mr. RAWN. For the purposes of the argument, let us assume that the contention of the railroad companies is correct—that there are not enough available operators to fill all of the offices working their present hours and comply fully with the law. If that assumption is correct, and the position of the Interstate Commerce Commission continues as it is, we will come up to the 4th day of March physically unable to comply with this law to its fullest extent. Therefore it would seem, from that standpoint, that the Commission or some one should have jurisdiction to say what should be done under those circumstances.

Mr. RYAN. We think they have that power now.

Mr. RAWN. Unfortunately, they do not think so.

Mr. ADAMSON. It appears to me from your statement that the Commission is not discharging the duty imposed upon it by that proviso; but inasmuch as you all say you have not formally filed any application with them, they could not have formally passed upon the case, it seems to me.

Mr. RAWN. The committee representing the railroads certainly could not misunderstand the position of the Interstate Commerce Commission. They were very emphatic in their declaration as to the interpretation of the law.

Mr. ADAMSON. I believe I would have put it up to them and made them rule on it officially.

Mr. ESCH. Is there any difficulty found on the part of the representatives in complying with the other portion of the law?

Mr. RAWN. No, sir.

Mr. ESCH. Is any anticipated?

Mr. RAWN. The railroads are in hearty accord with the purpose of that law.

Mr. ESCH. Suppose the amendment you seek is inserted in that law, can you tell the committee when the Illinois Central system will be fully equipped to comply with this law?

Mr. RAWN. I do not think I would want to go on record, for reasons you may well understand. If you will permit me, I will answer that in this way. The Illinois Central Railroad would be perfectly willing, but I want to qualify that, because we propose complying with the law as well as we can whether any relief is given us or not; but the Illinois Central Railroad would say from choice that they should be required at this time, if you please, to equip only the more important offices on a nine-hour basis. We would be perfectly willing to make a strenuous attempt to do that—to get the additional men to do that. Then the increase beyond that should be governed, it seems to me, by merit, or if we were not able to get as many operators as would equip all of the more important offices on a nine-hour basis, we would do the best we could in the employment of additional men up to the time the law took effect, and do as much more as we could after the time the offices were equipped. It is very important for the most important offices which come under this law, because they are operated continuously night and day. That should be passed upon by somebody.

Mr. ESCH. Where you allow extensions in that way you are apt to draw the matter out, as was done in the matter of the coupling device and air brakes. I think we granted two extensions. That law was passed twelve years ago, and I think there are a couple of hundred thousand freight cars to-day that are not equipped.

Mr. BARTLETT. The law was passed in 1893.

Mr. ESCH. Yes; the original law.

Mr. RAWN. In answer to that I would say I think it is fair to assume that Congress would not want to pass a law and leave no redress, even though there might be serious burdens and unfair burdens thereunder. They would not want to pass a law without giving to some tribunal the right of review.

Mr. ESCH. Do you not think that legislation indicated rather a generous treatment by Congress?

Mr. RAWN. Yes; the railroads take no exception to the language, but unfortunately we are here between the upper and the nether millstones.

Mr. MANN. What effort has your road made to comply with the law and put its provisions in force before the date when the law takes effect?

Mr. RAWN. I made the statement somewhat in that direction before you came in that we have for about eight or ten months been taking students from two or three telegraph schools, and have put them on at our stations as helpers at wages of \$25 a month, and we have been able to get more or less by so doing. Some of them have developed into operators before this time, and have taken their places when vacancies occurred, but it has not created any material surplus.

Mr. MANN. What I wanted to get at was whether you had put any of your offices upon the basis of hours that is now provided for in the law?

Mr. RAWN. We have not.

Mr. MANN. You have made no effort in that direction?

Mr. RAWN. Except those that are for long periods. We have offices that are working eight hours or nine hours—

Mr. MANN. Eight hours or nine hours?

Mr. RAWN. Well, nine hours; but where there are three men dividing up the twenty-four hours, as contemplated by this law.

Mr. MANN. Do you apprehend that it would be possible to wait until the 4th of March and then put this law into effect all over your system on that day, even if you had enough employees?

Mr. RAWN. No; but I say we have been making a reasonable effort to educate men, and the question of available men who are already telegraphers is governed by the supply extant at any one time.

Mr. MANN. But do you not think that that task of determining whether there were enough telegraphers would be best accomplished by putting the nine-hour basis into effect at certain places, and seeing whether you could do that?

Mr. RAWN. I think that is a reasonable supposition.

Mr. MANN. You have not made that effort yet?

Mr. RAWN. We have not, to the extent you say; no.

Mr. ESCH. Have you made any effort to get a share of those 2,500 commercial telegraphers who are out of employment?

Mr. RAWN. Perhaps so, because, as I told you a while ago, we have been expanding our telegraph service very materially, and therefore have employed a large number of additional men. If there are no further questions, that is all I have to say.

Mr. GRAY. That is all that we care to present, Mr. Chairman, unless the committee have some questions that they want to ask. I just simply ask the right to make this closing statement, and that is that this is hardly comparable with the safety-appliance law, for this reason. There was not a carrier in the country that could have complied with the safety-appliance law, simply considering the matter of securing material and applying these appliances. The consideration that was extended to them by Congress was unusual, but it followed up a great period of depression, as you will remember. It was passed in 1893, as I recall it, and the roads were just beginning to recover from that in 1898 when the first extension of a year was given us, and

then the extension of six months followed, and I believe that was the extreme limit; and there may be cars, as you stated to-day, that have not the safety appliances, but I can not imagine where they are operated.

Mr. ESCH. I got that from the Interstate Commerce Commission.

Mr. GRAY. I appreciate that, but I can not believe that those cars are operated upon any of the large carriers of the country, because there is not one of them that would receive one of those cars. I have not seen one in years. Most railroads have gone further than that, because they will not receive a car equipped with safety-coupling appliances, unless it is also equipped with air brakes, so that that law eventually has surrounded itself with additional safeguards.

This, gentlemen, is peculiar in this one respect. We are in great doubt as to whether we can go out and purchase this commodity. If we can not purchase it, and you gentlemen leave us to face this condition on the 4th of March, then the closing of the offices is absolutely the only recourse; so that that is the fundamental difference between this and any mode of railroad legislation you have ever passed before.

Mr. MANN. Let me make this suggestion. Congress will be in session after the 4th of March. Suppose the railroads should make an honest effort to comply with the provisions of this law and then found, in a way that is easily ascertainable, that they were not able to man all of the offices, would not they then have a much better standing in asking for a change of legislation than they have now, when after eleven months they have made no effort to put the provisions of the law in operation on any railroad?

Mr. GRAY. I think you have misinterpreted what was said to a certain extent. I believe that every carrier has a clearly-defined plan as to what it is going to do to comply with this law. I know that we have, and I know we expect to maintain certain offices, and a great many of them, on the nine-hour basis.

Mr. MANN. There is nothing in the law that prevents you from putting that plan into effect now instead of waiting until the 4th of March. While the law does not take effect before the 4th of March, there is nothing to prevent a railroad from endeavoring to comply with the provisions of the law now, and there has not been anything to prevent them from doing that for six months past, and ascertaining by actual experience whether they can comply with the law.

Mr. GRAY. The only question about that is the inability to do that. It is quite a serious matter, because it will undoubtedly delay traffic. We can not get the men, we will say; and suppose that we can get the men, on the lesser traffic lines we have 1,700 miles in Oklahoma alone, and we have lines where the traffic is very, very thin, and it will be an absolute impossibility for that line to pay those expenses.

Mr. MANN. I have no objection to saying to you that I was not in favor of the proposition, but I do not believe that you have got any chance, or any right to ask that it be changed for your benefit until you have endeavored to comply with the law.

Mr. GRAY. If we felt that we were asking a change in this law for our benefit, we would not feel that we had any standing before your committee. We have endeavored to secure a method of relief that we understood and that practically every Member of Congress that we have talked to and every member of the Senate insists that we

have, and that is all we ask, that you gentlemen give us all you intended we should have. Every Member that we talked to agrees that it was so intended.

Mr. MANN. While that is true, I apprehend that it is also true that the Congress thought that the railroads would endeavor to comply with the law, and would be able to comply with the law, for that matter, and that it was not the expectation that the Interstate Commerce Commission should give its entire time for some time to come in considering applications, which evidently would be the case if we amended the law, because every railroad company would apply, and you would have to have a hearing for every one of them, and I do not think the Interstate Commerce Commission would do anything else for a year or two.

Mr. GRAY. That was not our idea. Our idea was that the Interstate Commerce Commission would hear the other side as well as our side; we never expected that we would present the only side to be heard, and we felt that they would say, after hearing both sides, "We believe that there is a certain per cent that you can do, and you must put that per cent into effect by the 1st of July," and then see what we do.

Mr. MANN. Why do you not put that per cent into effect now, so that Congress can judge?

Mr. GRAY. It seems to me it is pretty hard to get before Congress, in so large a body, all of our little troubles and difficulties. All that we ask is that the manifest intention of this law be so put there that that relief that you intended that we should have we can have. It certainly was intended that we should have a day in court. It was intended that we should show, if we can show, that this artificial shortage of men exists, and that we can not get the men to go out into Oklahoma. I am aware that we might be able to get a man in Pennsylvania where we could not get a man in Texas, and we might be able to get him in Illinois. Those things are all pertinent, and there are carriers that might be able to comply with this law in its entirety, and the Interstate Commerce Commission would so determine; and there might be others that it would be such a burden on as to make it impracticable and impossible for them to comply with the law in its entirety, who yet could do a certain amount.

Mr. MANN. How long do you think it would take the Interstate Commerce Commission to have a hearing for one single railroad on that and pass upon it?

Mr. GRAY. My idea is that the Interstate Commerce Commission in a day could make such a ruling, and at the end of ninety days they would have made another ruling.

Mr. MANN. We have been all day hearing you, and we have not got enough information to tell whether it should be put into effect or not.

Mr. GRAY. That is probably our fault.

Mr. MANN. I do not think so. You have been giving information all the time.

Mr. GRAY. The committee of railroad men, I beg to say, has endeavored to approach this matter in a broad way. We have not attempted to defeat the bill. We have not even argued against the justice of the nine-hour day; but we do ask to be allowed to say what we think are the reasons, and then we stand or fall on the basis

of what we must make our case, and if we do not make it we are out of it.

The CHAIRMAN. Let me ask you a question or two. How many telegraphers are there now in the United States in the employment of railway companies?

Mr. GRAY. I will have to estimate that to a certain extent, Mr. Chairman. We have figures from 111,000 miles, which represent 48 per cent of the mileage. Of the offices which handle train orders there are 16,718 day and 8,660 night. Stating that in another way, it would be 17,720 continuously operated day and night offices. It is a very infrequent thing where an office is operated during the night and not during the day time, although there are exceptions. Now, applying that to the mileage of the United States, this representing 48 per cent, there are 35,000 day offices, and a total of 53,493 offices. Applying that to the continuously operated offices there would be 36,916 continuously operated offices.

The CHAIRMAN. Then are there some other operators that are not included in the employ of the railroads?

Mr. GRAY. Yes, sir.

The CHAIRMAN. How many?

Mr. GRAY. We have not information on that score. We did not consider it important.

The CHAIRMAN. Can you approximate it?

Mr. GRAY. No, sir; they are operators in general offices and in relay offices where they do not handle trains at all.

The CHAIRMAN. Do you know how many telegraphers there are in the United States engaged in purely commercial business?

Mr. GRAY. No, sir.

Mr. ESCH. I understand there are 143,000. I was told so.

The CHAIRMAN. Do you know how many there are who are not employed in either of these lines?

Mr. GRAY. No, sir; we would have no way of gathering that information. We do know that on the mileage of the United States, taking 58 per cent which we have received that on, it would require approximately 15,000 additional operators to operate the present offices with only the hours that they are now open.

The CHAIRMAN. There are 15,000 under the law as interpreted that would be needed and must be drawn from some source or other, and you have not any idea at all of the magnitude of the source from which they are to be drawn?

Mr. GRAY. No, sir; only from our daily experience in the procurement of men.

The CHAIRMAN. What would that be? Does not that enable you to form some estimate of the number of men, 15,000 or 10,000?

Mr. GRAY. We have felt that if we could secure 3,000 or 3,500 men it would realize our expectation. Now, whether we will be able to secure those, or whether we will be able to get them in New England or in the West, we do not know.

The CHAIRMAN. Do you mean by saying that that will realize your expectation that it will meet your wants?

Mr. GRAY. No, sir; it does not mean that it will meet our wants.

The CHAIRMAN. Then there would be still a deficiency of 11,500 men?

Mr. GRAY. Yes, sir; that would be my estimate.

The CHAIRMAN. Have you any data upon which you base that opinion?

Mr. GRAY. No, sir; except, as I say, our daily experience in attempting to get men to fill these positions.

The CHAIRMAN. Would you say that there were not that number of men that were available at your average wage?

Mr. GRAY. We do not believe that we could secure a great number more at a higher wage, but of course we can not say that. That is the purest supposition.

The CHAIRMAN. You do not think that the sources from which to draw your supply could be increased by increasing your wage?

Mr. GRAY. Yes, sir; but it is an absolutely speculative amount.

Mr. RYAN. Mr. Chairman, Mr. Perham, president of the Order of Railway Operators, is here, and I would like him to be heard, if the other side have finished.

Mr. GRAY. We are through, Mr. Chairman. We are very much obliged to you.

STATEMENT OF MR. H. B. PERHAM, PRESIDENT OF THE ORDER OF RAILROAD TELEGRAPHERS.

Mr. PERHAM. I will say by way of preface that I have had over twenty years' actual experience as a railroad telegrapher and signalman and eleven years as a national officer of their organization. Mention has been made of a circular letter that I sent out to the membership of the order on June 10, 1907, in which several questions were asked the men, and they were also urged not to go into the indiscriminate teaching of telegraphy at that time. I desire to say that this organization has a rule in regard to the apprenticeship question, not a rock-ribbed oath, but simply an agreement or obligation between the members one to another, that before they teach a student or take an apprentice they will get the permission of the superintendent of the employing railroad, and also the approval of the president of their organization, and that rule has had the effect of retarding the indiscriminate teaching of boys whose education has been sadly neglected, and by that means enhancing the welfare of the business of the railroad telegrapher. We desire that boys shall go to school; that they shall have some preparation before they go into this business, at least some knowledge of reading, writing, and arithmetic before they start into it. Under the old system we found that the business was being submerged by men whose early training had been neglected. One of the purposes of organization was the general uplift of men who had volunteered to engage in that line of business.

Mr. KNOWLAND. Provided you knew there were a number of applicants who were qualified by education, then you would have no objection to taking any number of them?

Mr. PERHAM. We have been very liberal in that regard.

Mr. MANN. How many apprentices have been approved by you within the last year?

Mr. PERHAM. I think it approaches about one a day at the present time. Some time ago it used to be much more than that, but the desire to enter the business has been curtailed for certain reasons which I will explain later on.

Mr. MANN. How many members are there in your organization?

Mr. PERHAM. About 43,000 at the present time; and I wish to corroborate the figures regarding the number of men employed, which I understand to be about 53,000. We have made some calculations on that subject, which of course are imperfect, but those are about our figures. We believe there are about 53,000 men employed in this country.

The CHAIRMAN. If you only have 365 apprentices a year, it is very evident that you would not have enough to keep up your organization.

Mr. PERHAM. The number of apprentices our members take is not an important factor in the case. There are many other sources from which telegraphers come. In every large city there are colleges for the purpose of teaching telegraphy, and they turn out so many men per month, and there seems to be an ample number of men to fill vacancies created in any positions upon the various railroads of the United States. In regard to the matter of the number of men available, if you remember, from those questions I asked one which bore upon that question, to find out how many men there were available at this time to fulfill the requirements of the law, I got answers from very nearly half of our membership; that is, I believe I received about 18,000 answers to those seven questions contained in the circular letter that was mentioned. I wanted to find out how many men were available who were employed in other avocations, because from the observation I had made there appeared to be great numbers of men coming into the railroad telegraphing business who leave it for various reasons, on account of the poor pay or the long hours, or the responsibility, and they can do better elsewhere. I received something like 8,000 names and addresses of men who would return to the telegraph business provided the hours were eight per day and the wages were about \$80 per month. Many of them mentioned a less rate of pay than that, but I am quite sure that if \$80 per month was offered for competent men to act as railroad telegraphers they could get at least 8,000 men; and yet I only received answers from half of the membership. I am inclined to think that it would be fair and proper to double that number, because if we had heard from them all certainly the figures would have been correspondingly increased.

The other question, in relation to the students, was also answered, and I found about 3,000 students who were ready to take positions, claiming to be competent to do so; and again, another question was in regard to the number of men unemployed, and from the answers that reached me there were very nearly 1,000. It must be remembered, however, that that was sometime ago. These answers came mostly in August and September of 1907. Conditions have changed since that time, and thousands of men have been discharged by the railroads since then on account of falling off in business. In fact, the railroads at this present time are discharging men by the hundreds; I am so informed by members of my own organization. They are discharging these men, well knowing that the time for the enforcement of this law is coming. In addition to that the strike of the commercial telegraphers of the United States occurred last year. Those men went out on strike and stayed out three months, and great numbers of them are yet looking for employment.

Coming through Chicago on my way to this city I ascertained that there were 72 men, as they termed it, "on the block," in Chicago—that is, men who were working for the commercial companies an hour or so a day just to eke out an existence. Those are men who are competent. That is the condition in one city where I happened to get the figures. I can guarantee to verify that there are 72 men earning one hour or two hours' pay in Chicago to-day, at the present moment, who would be very glad to accept a position with a railroad if they could get a steady position at anything like an attractive figure. The main center pin of the whole discussion is the question of dollars and cents; I am convinced of that. Years ago the conditions in the telegraph service were very bad indeed. In fact, I will state that as late as four years ago there were 7,000 telegraph operators working for a sum of \$18 a month.

Mr. BARTLETT. How long ago has that been?

Mr. PERHAM. Four years ago. There are none working at that figure now, that I know of, I am glad to state, but there are telegraph operators working twelve and fifteen hours per day for \$25 a month at this present time.

Mr. KNOWLAND. Are those students?

Mr. PERHAM. No, indeed; old employees, men who have been there for years.

Mr. WANGER. At railway offices?

Mr. PERHAM. Station agents, men who do all the things necessary, telegraph, sell tickets, check baggage, and look after the express and attend to switch lights, and all those various things that have to be done at a one-man station.

Mr. MANN. Will you give us a list of some of those stations?

Mr. PERHAM. I could; yes, sir.

Mr. MANN. So that we can get at the facts on both sides?

Mr. PERHAM. Yes, sir. I can not furnish that now.

Mr. MANN. Will you do that, and furnish that to the stenographer?

Mr. PERHAM. I will do that; yes, sir.

Mr. ADAMSON. Would it be practicable for the railroad companies when they fill up their stations under this law to put upon the telegraph operators other duties so as to enable them to discharge some of their present employees who are not telegraphers, and save money in that way?

Mr. PERHAM. I think it might be done in some remote instances, but not in very many.

Mr. ADAMSON. It would not be common?

Mr. PERHAM. Not as a rule.

Mr. KNOWLAND. In these offices where you claim they are getting \$25 a month, do they receive any other compensation? For instance, do they receive any compensation from the Western Union or from the express companies or from any outside source?

Mr. PERHAM. They might in certain places, but it is so infinitesimally small that it does not amount to anything. I have known cases where the Western Union would be 95 cents or a \$1 per month and the express would be \$1.63, and that with the wages would be the total of the operator's income.

Mr. KNOWLAND. Per month?

Mr. PERHAM. Yes.

Mr. BARTLETT. You speak about these offices where they get \$25 a month, telegraphers who do these various duties. Do you mean \$25 is the sum total paid by the railroad for all of those duties, or for the special duties of a telegrapher?

Mr. PERHAM. That is their total income from the railroad company.

Mr. KNOWLAND. Does that include board?

Mr. PERHAM. Oh, no.

Mr. KNOWLAND. I did not know but what it might be at some of the stations where possibly they boarded the hands.

Mr. PERHAM. No, sir; they board themselves and their families on that amount.

Mr. RYAN. That was brought out in the hearing when this subject was up originally.

Mr. KNOWLAND. On the Southern road?

Mr. RYAN. Yes, and others.

Mr. PERHAM. I am well aware that my methods of getting information are imperfect, and the figures that I may quote may be erroneous. I do not know of any way of arriving at the matter accurately, but for our own purposes we have kept a record of the gradual growth of the organization and the work it has done. For instance, on this particular road that I have in mind in this vicinity three years ago there were 39 positions paying \$40 per month and less. At the present time there are 29 positions paying \$40 per month and less. That would indicate to you how slow the work of the organization is—what a conservative and slow business method it must pursue—to have those conditions last year after year as they do. The average pay, according to our figures, for all men, including train dispatchers, who receive from \$120 to \$150 per month, and exclusive station agents, men who run the large station positions, who get from \$200 to \$300 per month, is in the neighborhood of \$54 per month at the present time. That includes all of the 53,000 men that were mentioned as the total number, according to the figures that we are able to obtain.

Mr. RYAN. The average wage, then, would be about how much for the additional men necessary to enforce this law? Would it be higher than that general average?

Mr. PERHAM. No; it would be the same; that is, under the various schedules established on the majority of the railroads in the United States. That, of course, would bring them up to the average salary.

Mr. RYAN. I thought they were getting more, because the railroad gentlemen here estimated that that average was between \$60 and \$80 per month.

Mr. PERHAM. It varies according to locality quite considerably. For instance, out on the deserts of Arizona and Nevada, where it is difficult to keep men, the minimum rate of pay is very much higher than it is in other parts of the country, where the employee may live in a civilized community and have all the advantages that that implies.

Mr. MANN. It is a good thing you mentioned those two places, because there is no one on the committee from either one of those places.

Mr. PERHAM. I will state in regard to the wages that I am aware that at the present time that can not be the subject-matter of a law. I wish that it were. I would like to have the wage question thor-

oughly gone into, so that it would be rectified in a stronger and more efficient way than any organization is capable of doing it. On the matter of the number of men, I am convinced that 15,000 men would be sufficient to make a three-man station out of every one and two man stations in the United States. I am not able to verify that statement, but that is the way it occurs to me. Of course that is not necessary and would not be done. I believe that this subject was gone over very thoroughly in the House on March 2 and 3, 1907, and many pages of the Congressional Record are filled with the record of a similar debate to that which has been held here to-day. The law as it stands is very different from the bill that was first presented by Mr. Murphy. It was an eight-hour bill, and it covered the telegraph operator, the signalman, the interlocker, and every employee concerned with the movement of trains by signal; but after it was made into a law it was hardly recognizable, for the reason that it left so many of the employees who should be in it out of it. Another point was that it was nine hours instead of eight hours. The record of the debate also shows that it was not only for public safety that the law was enacted, but it was with a kind consideration of the comfortable convenience of the men themselves. The record of the debate shows that.

The employees, glad to get such a measure of recognition as is contained in that law, desire that it be given a fair test as it is. They are of the opinion that nine hours for a day's work, at a station continuously operated, for the present is better than the twelve-hour rule that heretofore obtained. They also think that the one-man station, where a man may be kept on duty thirteen hours if needed, or seventeen hours three days out of the week, surely covers every position where the duties are light or the man is not required to be right at the key all the time. Therefore, as far as I have learned from the many men I have met who are employees, who know exactly what the duties are and what this law does in relation to them, they are all anxious that this shall be given a fair test as it is, and therefore we hope that no amendment will be made to the law.

As to the matter of testing a particular case, as I understand the law, it would mean something like this, that John Doe and Richard Roe, employed as night and day telegraphers at, let us say, Lewiston Junction, would have a particular statement to make in regard to why they should have nine hours, and the representatives of the company would have a statement to make as to why they should work twelve hours. That is my understanding of that provision of the law, and I believe it is a wise one. The law itself is of such a compromise nature, it is so liberal to the employing company, that there does not seem to me at the present time to be any good reason why there should be an inquiry at any one particular point on any railroad in the United States. Where they require twenty-four hours' service from two men at the present time, they absolutely require it or they would not have the men there. If there was one chance in the world of laying off one of those men he would be laid off, and one man would work the job and draw the overtime when it was necessary to keep him there. I have been through all of these conferences, making schedules and wage scales for the telegraphers, and I have noted the changes made in the line of economy by all of the various railroads. Without specifying any particular one, it is a general rule

that when the wages of the men are increased by means of the organization there are usually a sufficient number of men laid off to take up the increase that was given. That is to say, if they can dispense with the services of the night man by keeping the day man on nine hours and then two hours and three hours during the night, that will be done, and it has been done; and consequently where there is continuous service at a station it is absolutely necessary for the welfare of the railroad, or it would not be there. Consequently those employees, although they may have nothing to do except to watch train movement for twenty-four hours, should be limited to nine hours or eight hours, as the case may be, so as to insure those men having a chance to be alert, active, watching the signals, doing their daily duties with a bright mind, and capable of doing good work while they are on duty.

It is very seldom if ever before that we have had a chance to state to any one outside of the railroad business what the situation has been. I desire to state that as a signalman I have been on duty over forty hours, shifting levers every few minutes, reporting trains by telegraph, taking orders, etc.; and the reason I was on duty so long was that my confrère, the night man, was sick, and they were unable to find a man to take my place on account of the complicated lever movements. I would send telegrams every few hours about my physical condition, having become worn out, and at last I went to sleep with the sun shining on my face and my hand on the lever, and stopped a train that meant a day's pay fine for doing it, and after I had let the train by I notified the division official that within one hour that office would be closed; but in one hour I was relieved. Such things used to be frequent, and a man in charge of a signal tower is up against a stiff proposition, regardless of the amount of work the record may show he has done. Before he lets a train into the block he has to watch it and take care of it and see that the block is clear, and then he is looking for the next one, and he is watching the train sheet and seeing how the trains run, and although the physical part of it, the moving of a lever or the sending of a telegram or anything of that kind may look as if the man has accomplished very little, yet he has been right there and performing duties as monotonous, we may say, as the occupation of a man appointed to watch the pendulum of a clock every day, and not miss a motion. You can imagine what a strain that would be on a man, if he sat there and watched that pendulum and did not miss a motion; and yet the duties of the telegraph operator are often very similar to that. I certainly hope that there will be no amendment to the law, and that this law will be tested for a while, and that after a while we will be able to show to you that an amendment is required, but on behalf of the employees instead of on behalf of the employers.

The antagonistic feeling often shown by railroad officials toward telegraph operators, signalmen, station agents, and other similar employees is very difficult to understand, because nothing is gained by it and much can be and is lost by it. That class of employees render services as valuable to the companies as any other class of employees, and there seems to be no good reason for the vigorous, energetic, and I may say, in a measure, unscrupulous opposition, that has been shown by them toward any effort of said class of employees to ameliorate their condition. Employees in the train and engine service have never had to fight any such opposition as we have encountered, and the officials seem to be perfectly willing to pay an

ignorant, unskilled, and oftentimes a densely ignorant, newly arrived foreigner, better wages than they are willing to pay fairly well educated, highly trained, and skillful American citizens for doing their station and signal work. This present hearing is a demonstration to some extent of that idea.

Mr. RYAN. Do you believe there are a sufficient number of men in the country that can be obtained to do this work to comply with the terms of this law by the 4th of March?

Mr. PERHAM. Yes; if the wages are paid.

Mr. ADAMSON. Will it require \$80 a month to do that?

Mr. PERHAM. No, sir; but the wages may have to be readjusted.

Mr. ADAMSON. What will be the effect upon the safety of the traveling public and the convenience of the people at the stations affected if the railroads attempt to recoup by discontinuing a large per cent of their present stations and closing their offices?

Mr. PERHAM. Trains may be delayed more than endangered. I think that is a matter that will take care of itself. I have been at a station as agent where I was supposed to go on at 9 a. m. and go off at 9 p. m., filling up my twelve-hour day. At 7 a. m. a citizen would come to me and say, "I have driven in 4 or 5 miles from the country and I want my freight," and I would have to go over to the station at 7 a. m. and let him have it. The citizens will see that the work is done at the stations.

Mr. ADAMSON. I just wanted to know what your idea was as to the practicability of that proposition which has been suggested here to-day. What per cent of those stations would it be practicable that they could afford to discontinue, for their own business?

Mr. PERHAM. I do not know that they could do it at any place. At the present time, according to my view of it, economy has been worked overtime on every railroad with which I am acquainted, and I think that there are no extra employees at the present time kept, and that there are no men who are competent that they could dismiss.

Mr. ADAMSON. There are no stations that they could discontinue?

Mr. PERHAM. I think not. They might discontinue them for a while, but they would open them again, as I have seen them do in many places. I have known instances where a schedule was instituted which raised the pay of the men, where the \$60 telegrapher's services were dispensed with and a \$30 clerk put in his place, and that arrangement lasted a few weeks, until it was shown to be ineffective and bad all the way around, and the station was opened again pretty soon on the old basis.

Mr. MANN. May I ask you a practical question? Is there any underlying motive in this present contest, affecting the wages of telegraphers? Will the effect of the enforcement of this law be to increase the wages of the railroad telegraphers generally?

Mr. PERHAM. That is inseparable from it, as I understand it. The old motto that covers the situation is "Whether you work by the piece or you work by the day, reducing the hours increases the pay." This provides for a reduction of hours.

Mr. MANN. That motto does not cover a day's wages, as I understand it.

Mr. PERHAM. It has this effect, that the men will try to maintain the same rate of wages that they have received for twelve hours for the nine-hour day, thus raising their rate per hour.

Mr. MANN. That is not what I had reference to. I did not mean as to whether it would do that, but whether the effect would be to increase—not maintain but increase—the wages of the railroad telegraphers. For instance, you say that it will be practicable in your judgment to obtain plenty of telegraphers at an increase in salary over the average now paid. Of course if these men are paid higher wages, \$80 a month, that means that when you renew your agreement, or possibly before, the average will be increased, does it not?

Mr. PERHAM. Yes, sir.

Mr. MANN. Is there any spirit of contest in reference to that in this present matter?

Mr. PERHAM. No; that phase has not been suggested by anyone to me up until this time.

Mr. ADAMSON. Is this the situation you find? If this law goes into effect on the 4th of March, will the railroads be compelled to pay the amount demanded in order to get the operators, and if they secure an extension, can they escape paying the amount that the operators demand to go to work?

Mr. PERHAM. They can escape it, and they can get men for less than the wages they state, \$80 a month. Some of our men indicated it in their replies; but I wanted to know whether this was a matter of dollars and cents, and that is why I named that figure.

Mr. ADAMSON. If the law goes into effect there are several thousand operators that the railroads will have to pay the larger amount, whether it is \$60 or \$80 per month; while if there is an extension granted, they can escape or postpone paying those increases?

Mr. PERHAM. I could not really answer that question precisely. Many roads have put this eight-hour law into effect already. Many railroads have been instituting the eight-hour offices by request of the organization for many years past. There are many railroads that this law will not effect to any great extent, in fact, in more than 10 per cent of their positions.

Mr. MANN. What are some of those roads that have put this into effect?

Mr. PERHAM. The Pennsylvania line east of Pittsburg and Erie, for one. On the main line there is a general rule of eight hours for signal men and others employed in the movement of trains. The Chesapeake and Ohio might be quoted as one of the roads that have been instituting the eight-hour day on the mutual-agreement plan, between themselves and the committee, having put in 283 eight-hour positions on December 6, 1906, and more since that date.

Mr. WANGER. I understood you to say that the number of telegraphers' apprentices accepted during the last year was about one per day. About how many applicants during that same period were refused?

Mr. PERHAM. There might have been two or three, but I could not say.

Mr. WANGER. You mean an aggregate of two or three for the entire year?

Mr. PERHAM. No; per day.

Mr. WANGER. Per day?

Mr. PERHAM. Yes, sir. There are certain reasons why we would decline some and accept others; but that has nothing to do with the main result. The fact is that the railroads have been giving bonuses for teaching students for a long time past, as high as \$75 a man, to

urge people to get into the business of learning telegraphy, and we have not interfered, and have nothing to do with it. Also, the railroads have opened large schools in certain cities and have been maintaining them and turning men out, most of whom only stay a year or two, and when they find out the conditions they go into some other avocation to make a living. Our insurance department shows pretty well the number of men who leave the business. We have an insurance department, giving insurance at a very low rate, and it is able to support itself and have a good surplus mainly because of the lapses of men who leave the telegraph business.

Mr. WANGER. Have you any method of determining whether an applicant for an apprenticeship is qualified by education to enter upon the study of telegraphy?

Mr. PERHAM. We usually investigate, advising some against it. In one respect it is men who have been crippled in the railroad service, for the reason that they can only work on a few railroads of lesser type, and can not get employment on the larger railroads because of a physical examination that debars them. The age limit and the physical examination debar many men, and we do not want these men unwittingly to go up against such a condition. Also, I might say that we favor minors who are relatives of members or employees. If a man has two sons, for instance, who are working around him at the station and acting as messenger boys or clerks, we are rather glad to have him teach those boys, because he knows about the objects of the organization, and will be sure they are trained right while he is teaching them. Another thing is that he will teach them, anyway, while they are around the station, and it is good policy for us to say yes to such an application.

Mr. MANN. Do you know how many commercial telegraphers are out of employment now?

Mr. PERHAM. I do not; but as Mr. Beattie, president of the Commercial Telegraphers' Union, is here, he will be able to answer that question. If there are no more questions, I have finished.

Mr. MANN. There are no railroad telegraphers out of employment?

Mr. PERHAM. Oh, yes.

Mr. MANN. There are none out on strikes?

Mr. PERHAM. There are no strikes in our business at the present time. There are several thousand men out of employment at the present time.

Mr. MANN. How do they happen to be out of employment; just in the usual course of moving?

Mr. PERHAM. No, sir; they have been recently discharged because of the present depression.

Mr. MANN. So that, in your judgment, it would be much easier to comply with the provisions of this law now than it would have been at the time the law was enacted?

Mr. PERHAM. Much more so. I feel confident that the gentlemen who operate these railroads will be surprised, when they come to put this law into effect, to see how easily their offices are filled. We possibly know more about the idle men than the operating officials would, because they write us, very often, and tell us about their troubles.

Mr. MANN. One gentleman stated this morning that his road has been unable to obtain telegraphers. Do you have any system by which railroads can apply to you for information as to men?

Mr. PERHAM. We have no system, but it is not unusual for railroads to ask us to send them men, which we do. Some railroads we keep supplied with telegraphers all the time, upon request.

Mr. RYAN. They could have those 72 telegraphers in Chicago if they would pay the rate?

Mr. PERHAM. Yes; we would be very glad to get positions for those men.

Mr. RYAN. I would like to hear from the president of the commercial telegraphers, who is present.

STATEMENT OF MR. W. W. BEATTIE.

Mr. BEATTIE. In the outstart I must confess that I am not entirely familiar with the railroad subject or the matter now under consideration, but I do know it to be a fact, traveling over this country and in Canada, that the commercial telegraphers would be more than willing to accept railroad positions if the salaries were higher and the hours of work were much less than they are at the present time, for the reason that the commercial men work very hard. It is a grinding process for nine long hours, and I know from what knowledge I possess that they would be glad to escape it, and I am rather of the opinion, that if the railroads throughout the country would throw out some sort of inducement to the commercial men they would not find it a hard matter to secure operators.

Mr. RYAN. What do you mean by inducement as to hours and wage, about what wage to the average office?

Mr. BEATTIE. Say about \$65 a month minimum.

Mr. KNOWLAND. What does the commercial telegrapher get now?

Mr. BEATTIE. The commercial telegraphers draw all the way from \$35 to \$82.50. Very few get \$82.50.

Mr. ESCH. How many of them are there?

Mr. BEATTIE. The commercial men?

Mr. ESCH. Yes.

Mr. BEATTIE. Possibly 40,000 to 45,000 commercial men, including the newspaper men and broker operators.

Mr. ESCH. Have you any estimate to-day of those who are idle?

Mr. BEATTIE. I know there are a good many out of work.

Mr. ESCH. Can you make any approximation?

Mr. BEATTIE. Approximately there are about 8,000.

Mr. ESCH. Out of employment?

Mr. BEATTIE. Yes. I may be wrong; as I say, I have no figures and I do not desire to make an incorrect statement.

Mr. ESCH. Are many of the commercial telegraphers exrailroad telegraphers?

Mr. BEATTIE. In a good many cases they have gone into the commercial business, that it is true. I know this to be a fact. Right in the city of Washington there are some 25 or 30 men who would gladly accept a permanent position. They make only about three hours a day, and that state of affairs prevails throughout the country, I dare say. As I said, I am not familiar with the railroad subject.

Mr. MANN. Would these commercial telegraphers, so far as you know, be familiar enough with the matter of running railroads and trains to step into a railroad office and operate it?

Mr. BEATTIE. With a very little experience they would, and I know there are practical railroad telegraphers in the commercial branch to-day who have assured me that the very moment the hours were a little better and the wages were increased they would re-enter the railroad service. It is a question of hours and wages.

Mr. BARTLETT. Are all these men who are out of employment male operators, or do you often have women?

Mr. BEATTIE. Some of them are females.

Mr. BARTLETT. How many of the 8,000, approximately, are females?

Mr. BEATTIE. The percentage is small—I dare say not over 400 of them.

Mr. BARTLETT. Four hundred?

Mr. BEATTIE. Four hundred, if that. I am inclined to think that it is unreasonable to suppose that a respectable man would want to work in a responsible position like that of a railway telegrapher for the salary now paid. But just the very moment the railroads make up their minds to pay proper wages, I am convinced that they can get the men.

Mr. MANN. What are the salaries that commercial telegraphers receive?

Mr. BEATTIE. From \$35 per month to \$82.50. The general average is about \$55 per month.

Mr. MANN. For commercial telegraphers?

Mr. BEATTIE. Yes, sir.

Mr. MANN. Thirty-five dollars a month refers to small offices maintained at villages?

Mr. BEATTIE. They work in the main offices, young girls and young boys.

Mr. MANN. Take an accomplished telegrapher who would be competent to have the responsibility of railroad business; what salary does he now receive as a commercial telegrapher?

Mr. BEATTIE. That is the railroad telegrapher?

Mr. MANN. No; the commercial telegrapher.

Mr. BEATTIE. A good, competent telegrapher, if he can work what is known as the heavy circuits, will get the higher salary. But even that is sometimes not the case. I have seen a \$65 and a \$55 man compelled to work alongside of an \$82.50 man doing precisely the same service.

Mr. MANN. That is the exception, I assume, but you take an ordinary good telegrapher who might be competent to do railroad business; what salary does he now receive as a commercial telegrapher?

Mr. BEATTIE. He would receive in the commercial branch fully \$75 per month.

Mr. RYAN. As a commercial telegrapher?

Mr. BEATTIE. Yes.

Mr. RYAN. That is the regular schedule?

Mr. BEATTIE. Nine hours per day.

Mr. ESCH. What do the Associated Press men get? Are they the highest paid men?

Mr. BEATTIE. Yes, sir; they average from \$30 to \$35, and in some few instances \$40 per week.

Mr. MANN. Per week or per month?

Mr. BEATTIE. Per week.

Mr. ESCH. As I say, the Associated Press men in your service are your highest paid men?

Mr. BEATTIE. We have several press associations. The Hearst pays the highest.

Mr. ESCH. What do those men get?

Mr. BEATTIE. All the way from \$25 to \$35 per week.

Mr. RYAN. What is the pay of the Hearst men?

Mr. BEATTIE. The Hearst men get as high as \$40; not under \$35. They work eight hours.

Mr. HUBBARD. Hours and wages being the same, do you think a telegrapher competent to do railroad as well as commercial work would prefer the railroad service?

Mr. BEATTIE. Decidedly so; the work is not so hard.

Mr. ESCH. Is it more responsible?

Mr. BEATTIE. It is more responsible; yes, sir.

Mr. MANN. The commercial telegraphers are more in the larger cities?

Mr. BEATTIE. Yes, sir.

Mr. MANN. And the railroad telegraphers are in the smaller cities?

Mr. BEATTIE. Yes.

Mr. MANN. It would depend on whether a man would want to live in a large city or in a respectable community in the country—what his preference would be?

Mr. BEATTIE. Speaking for myself, I would gladly desert the commercial service for the railroad service. I regret that I do not know much about the railroad matter. I only state that in my opinion it is a matter of hours and salary, from what I have heard among the commercial men.

Mr. BALDWIN. In response to Mr. Esch's inquiry as to what occurred in Wisconsin, I have seen statements in the papers that this law went into effect on the 1st of January.

Mr. ESCH. Yes.

Mr. BALDWIN. And that the Great Northern and perhaps one other railroad did not put it into effect, but raised the question of whether Congress having enacted the statute upon this subject, the Wisconsin act did not conflict with that and therefore was inoperative, but that all the other railroads had put it into effect; and this article stated that upon some railroads where there were 400 stations there were close on to 100 stations that were closed.

Mr. ESCH. That is the Wisconsin Central?

Mr. BALDWIN. Yes, sir; and that there was such great dissatisfaction on the part of the operators that as a result they had sent a written communication requesting the railroad not to put the act into operation, and that the response was that the penalties amounted to \$200,000 a day and they would continue to put the act into operation.

Mr. ESCH. Do you know whether or not that was brought out before the commission and any action taken?

Mr. BALDWIN. It was; and the question was brought up before the Wisconsin commission as to operating the trains by telephone, and it was stated in this article that at a hearing by the commission the unanimous opinion seemed to be that the trains could be operated safely by telephone under the systems that were adopted, and that the greatest dissatisfaction with the law seemed to be with the men.

Mr. ESCH. They had an eight-hour schedule?

Mr. BALDWIN. Yes, an eight-hour schedule.

Mr. ESCH. I would like to ask the president of the railroad telegraphers, in that connection, whether he has heard anything from the telegraphers in Wisconsin on that subject?

Mr. BEATTY. No, sir; that is all news to me.

Mr. BALDWIN. I have no personal information on the subject.

Mr. ESCH. Yes, I understand.

The CHAIRMAN. Mr. Perham, suppose that the railways should find that they can use the telephones and telephone operators for telegraph and telegraph operators; what effect will that have upon the telegraph operators?

Mr. PERHAM. It might have the effect of putting some of them out of employment, but the law applies to those telephone operators the same as it does to telegraph operators.

The CHAIRMAN. Yes; but very many telephone operators are women, and, as I understand it, at least in the country, the compensation that is paid to them is very much less than that which is paid to men telegraphers.

Mr. PERHAM. I think that it has been—that is, to telephone operators not connected with train movement; but where they are connected with train movement we rest assured that they will join this organization that I represent, and we will endeavor to protect them in the matter of wages. We claim for women members the same rate of pay that we claim for men members for similar work. That is one of our rules and has always been invoked, so far as we are concerned.

I would like to make one additional statement, and that is that 10 States of the Union have enacted eight-hour laws for the railroad telegraph operator at the present time, and there are 7 other States in which the question is a very warm one now. I omitted that from the statement I made.

Mr. ACKERT. North Carolina has practically the same law we are talking about now, but it is left in the hands of the railroad commission to take up the question. We have 123 offices in North Carolina, and when they passed the law we appeared before the commission and took up the important stations, what they thought was necessary, and adjusted them with the commission, and it is working very satisfactorily in North Carolina. We are having no trouble. We have a court of appeals in North Carolina, the operators have a court of appeal, and they appeal to the commission, and it is all gone into by the commission and adjusted satisfactorily to the railroads and to the operators. We have had no trouble there, where the same law applies.

Mr. RYAN. Is that law the same as this?

Mr. ACKERT. Practically the same as this.

Mr. RYAN. And has the commission the power to suspend the operation of the law entirely?

Mr. ACKERT. No; the operators took up the question of how many operators should be employed at a station, and the commission decided. Where the duties are heavy we put on three men; and at an outlying station, when there is no particular necessity for it, they have not compelled us to do it.

Mr. HUBBARD. Do they make general regulations, or do they deal with particular offices?

Mr. ACKERT. They take up the Southern Railway as a whole, and other railways as a whole.

(At 4 o'clock p. m. the committee adjourned.)

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 7, 1908.

The committee met this day at 10.30 o'clock a. m., Hon. William P. Hepburn, chairman, presiding.

The CHAIRMAN. Gentlemen, Judge Knapp by our invitation is here this morning. We will not detain Judge Knapp more than a few minutes.

STATEMENT OF MR. MARTIN A. KNAPP, CHAIRMAN INTERSTATE COMMERCE COMMISSION.

Mr. KNAPP. Mr. Chairman and gentlemen, I am at the service of the committee.

The CHAIRMAN. Mr. Knapp, the purpose of the committee in inviting your presence was to find out, if we might, what action the Interstate Commerce Commission had taken looking to a construction of the second proviso of section 2 of the act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, approved March 4 last.

Mr. KNAPP. Mr. Chairman, we have given that matter some consideration, and the entire Commission agree that the proviso in question is as plain and definite as it is limited; that it means exactly what the language purports; that the Commission in a particular case, apparently a case of special and peculiar conditions—some emergency not common to the roads generally, or to a general class of stations—can give an extension of the period within which the law shall be complied with.

Without attempting now, unless you so desire, to elaborate the reasons which led us to that conclusion, I think it is quite sufficient to refer the committee to the Record as it appears when this bill was under consideration. I have with me the Congressional Record for March 3 of last year, from which it appears that this bill in substance, if not exactly in its present form, passed the House without any proviso. In other words, it was made a hard-and-fast rule, the Commission having no authority to relieve any carrier in any case from its obligations. As the bill passed the Senate some changes were made, among others one adding this clause or some equivalent language; and then the matter was taken up in conference, and it appears, as I understand it, that the House refused to allow its conferees to consent to the introduction of any such relieving clause, but finally, upon the statement that otherwise the bill could not pass at all, there was a second conference at which this proviso in question was assented to, and so became a part of the law.

Now, without going into details, the statement of the chairman, and of Mr. Wanger, and of Mr. Adamson, and Mr. Bartlett—

Mr. ADAMSON. That proviso was suggested in the last conference proposed by the Senators, and objected to by the House conferees, as the condition upon which the instructions to the House conferees were accepted by the Senate. That proviso was created by the Senate as it is now—

Mr. KNAPP. And assented to, as I understand it appears now, and as it substantially appears in the Record, on the report of the House conferees that otherwise the bill could not pass.

Mr. ADAMSON. It looked that way. The Senators wanted some sort of relief in case of hardship, and wanted to leave an avenue open to you to grant that relief in special cases.

Mr. KNAPP. Yes; which to our apprehension, as evidently to the understanding of this committee and the House when the bill was passed, meets some peculiar conditions at a particular station, or some emergency which rendered it impracticable for the carrier to comply with the law at that place.

The CHAIRMAN. Then it is the opinion of the Commission that the language of this proviso limits the jurisdiction of the Commission to considering the petition of a road applying only to one station, or one tower, or one individual?

Mr. KNAPP. I do not mean to say that more than one station might not be embraced in a single petition, but each one would have to be separately considered.

The CHAIRMAN. Then they might not include, say, on a branch line of a hundred miles—they might not include in that petition for an extension any number of the stations on that line; they might include any number in one petition or in one case?

Mr. KNAPP. We have not held that, and have not had occasion to. I assume the carrier would not be obliged to present a separate petition for each station at which it is desired an extension of the law, but could embrace two or more stations; and I should assume, for the moment at least, that where conditions were shown to be substantially the same at two or more stations one order might extend the law as to all of them without a separate order in each particular case.

Mr. BAETLETT. Is it not a fact that the railroads wanted you to lay down some general rules as to every case? Did they not?

Mr. KNAPP. The railroads have not asked us to do anything.

Mr. ESCH. No formal order has been made with reference to it?

Mr. KNAPP. No.

The CHAIRMAN. Have any petitions been filed?

Mr. KNAPP. Only two, but our information is that other petitions will be filed; but those two illustrate to my mind the questions that will be presented. One of them covers your own observation with respect to branch lines. A given railroad, some days ago, filed a petition with the Commission in which it asks that the law be extended as to some seven or eight stations out of a large number, and it happens that every one of those stations is on its main line. There is no allegation of inability to get the additional men, and no allegation of inability to pay them, but the whole application is an argument to show that they ought not to be required to have them at those stations; and that is practically true in the other case, where the petitioning road sets forth that it has some 1,800 stations at which telegraph orders are from time to time received, and it goes on to show that some 500 and odd of them are offices at which the business is very light, and it virtually asks that the law be extended as to the whole 500 of those offices, on the ground that the business at those stations is of such an insignificant character that they ought not to be required to have three men there.

Mr. ADAMSON. Judge, the whole question in point presented to us turned upon what the word "case" meant. Now, as I understand you, you have made no rule or holding, and you see nothing in the law to indicate that you would refuse jurisdiction if a carrier on a par-

ticular line in presenting his case did mention any number of offices or operators. Of course we have nothing to do with the merits in each case. That would be for you to determine in your ruling. But if the carrier on a particular line or branch presents a case in which it makes allegations and offers proof as to any number of stations on which it has trouble in installing the improved service at the time, you see nothing to prevent your sustaining jurisdiction in that case?

Mr. KNAPP. If I perfectly understand you, Mr. Adamson, that would be within our jurisdiction, because you assume a case where the station is in process of installation.

Mr. ADAMSON. The question as presented to us is how the railroads shall be required to file a petition—as to each particular station or otherwise. It would take a thousand years of your time if you undertook to consider it a distinct case made by a carrier as to each station affecting whatever relief it wanted on its lines.

Mr. KNAPP. So far as the time and labor required to make the investigation are concerned, it does not occur to me that it would make any difference whether all the stations on a given road were included, or whether there was a separate petition for each one of them, because each station would have to be included in the investigation. You are virtually saying that this Commission should, under this very limited authority, the meaning of which is perfectly obvious, exempt a whole class of stations on all the roads of this country, probably 50 per cent of the whole.

Mr. ADAMSON. That would depend upon whether the facts justified it. The question we are considering is not the merits of the case or proof, but the jurisdiction of the case.

Mr. KNAPP. Speaking for myself, at least, although we have not had occasion to consider this feature of it, I believe that the point which you ought seriously to consider is this: Is the mere want of need of an additional employee a good cause? Is the mere fact that the business of a particular station is light and that two men could do it without strain or excessive fatigue—is that good cause?

Mr. ADAMSON. Those are questions of fact for you to consider. We are talking about the assumption of jurisdiction on the facts set out in the papers.

Mr. KNAPP. I think that is a question of legislative policy and not of executive administration.

Mr. MANN. Suppose a railroad company having a thousand stations should file a petition with you for relief at fifty stations, and should allege and be able to prove that it is a physical impossibility to obtain the telegraphers to man those stations. Then you are absolutely satisfied that it is impossible to maintain the necessary number of stations, and the stations have been closed up for lack of men. The proof being sufficient, have you decided that you could not grant relief in that kind of a case?

Mr. KNAPP. We have not, Mr. Mann, and I think should not.

Mr. MANN. Have you decided that you can not grant relief?

Mr. KNAPP. The facts being established beyond reasonable question that a given road absolutely could not procure the additional men, that might furnish good cause for extending the period within which that road should comply with this law.

Mr. MANN. That covers the whole question as presented to us.

Mr. HUBBARD. Would you regard that as a particular case, may I ask?

Mr. STEVENS. Did you speak advisedly when you used the words "beyond question?"

Mr. TOWNSEND. "Beyond reasonable question" he said.

Mr. KNAPP. Let us meet that side of it just for a moment. I suppose I have received upward of 3,000 telegrams within a week; so many, in fact, that it took two clerks to open them, and I could not read a quarter of them. But I have read a good many of them, and my information is that a very large percentage of them assert that there are ample men to be obtained.

Mr. TOWNSEND. Let me ask you a question, Mr. Chairman. From any complaints that have been made to you, or requests that have been made by the railroads, do you find that there is any lack on the part of your Commission of jurisdiction under the law to enable you to grant relief if the proper showing is made to you?

Mr. KNAPP. That depends upon what you mean by proper showing.

Mr. TOWNSEND. I mean to satisfy the Commission.

Mr. KNAPP. That the railroads ought not to be required to have three men on a station?

Mr. TOWNSEND. That they might not be able to get them.

Mr. KNAPP. Not being able to get them might be sufficient cause.

Mr. TOWNSEND. You are not interpreting the law?

Mr. KNAPP. Certainly not, except as I have stated.

Mr. TOWNSEND. The question was whether you had power under this proviso of the act to grant the relief if you found that they were entitled to relief.

Mr. KNAPP. If the Commission is satisfied in a given case that the railroad can not obtain the men, I think that would be good cause for some reasonable extension of time.

Mr. MANN. And it would not be necessary to file a separate petition for each station on the road, as I judged from your former statement? I do not say not necessary to make separate proof in each case, but a separate petition?

Mr. KNAPP. A number of stations could be grouped in the same petition.

Mr. BARTLETT. All the stations on one road might be grouped.

Mr. ESCH. Out of the 3,000 telegrams you received, did you gather the idea that it was purely a question of wages and hours of service?

Mr. KNAPP. Yes. Now, may I ask your indulgence for a moment? The CHAIRMAN. Certainly.

Mr. KNAPP. It seems to me perfectly reasonable to suggest that any extension which the Commission might give in a particular case should have some reference to the time which the Congress gave all roads at all stations in which to prepare themselves for compliance with this law. You gave a year, on the assumption that that was ample time in the main, and you provided that if it turned out that in any instance, here and there, on account of some special conditions or peculiar emergencies, a road was absolutely unable to get the men, the Commission might relieve it for the time being; might relieve that railroad from the hardship which otherwise the law would put upon it.

Mr. TOWNSEND. That is all we had in mind.

Mr. KNAPP. But that would seem to me to mean three months or, say, six months. Now one of the roads whose petition has already been filed makes no showing that it would be any more able or any more willing to comply with this law three months or six months or a year hence than it is now. It does not say it can not get the men or is not able to pay them, but says they ought not to be required to get them at all.

Mr. TOWNSEND. Does not even say they have tried to get them?

Mr. KNAPP. No; does not even say it has tried to get them.

Mr. ADAMSON. Upon what particular facts might appear, or allegations might appear, in the case would depend the merits of the case on the one hand or the imperfections of the case on the other. But the sole point we wanted to hear you on, the sole point of trouble, was whether or not when a man made a proper case on its face on paper, it related entirely to one station or more?

Mr. KNAPP. It depends on whether it is a proper case.

Mr. ADAMSON. Of course if it is not a proper case you decide it on the merits.

Mr. HUBBARD. Would not the condition of each particular road constitute a particular case?

Mr. KNAPP. Yes, perhaps; but this should be taken into account: It is a mere question of money. It is not denied by any railroad man with whom I have talked that they could get enough men if they paid them. Is it for the Commission to determine what are reasonable wages?

Mr. ADAMSON. If they file with you an apparently good reason why they should have an extension for thirty days or sixty days, and should say they could get ready in thirty days or sixty days, you would not deny that petition because it includes more than one station?

Mr. HUBBARD. As a question of jurisdiction with the Commission, would that be a particular case that you would not entertain or inquire into?

Mr. ADAMSON. Would that make a case when they filed the papers?

Mr. KNAPP. I have already said that if a carrier established the fact—

Mr. ADAMSON. We have not got to the question of proving the fact; we are talking merely about the jurisdiction of the papers.

Mr. KNAPP. If they prove they could not get the men, that might be a good reason for postponement.

Mr. ADAMSON. We are talking about the sufficiency of this legislation to enable them to state on paper their case and have it heard; that is all.

Mr. KNAPP. If there are half as many cases as the carriers allege, the Commission could not investigate them in a year, and I doubt if it could in two years, even if it did nothing else and worked sixteen hours a day.

Mr. SHERMAN. That is not a defect of this law, is it, Judge Knapp? The purpose of our inquiry is whether this law is sufficient to enable you to meet all emergencies. Now is it, or is it not? That is the point. Under this law have you authority to dispose of the cases presented to you? The question is not, Have you the facilities, but have you the authority? It may be that the Commission is not large

enough. It may be that more Commissioners should be added, so that they could divide up the work and some of them devote their time entirely to this work.

Mr. KNAPP. In a way, Mr. Sherman, but let me explain about that. Of course you are asking questions which the Commission has had no occasion to consider. We are burdened with other matters, and only a few moments relatively have been given to this question, which has recently been put upon us. But I shall assume that the Commission will not undertake to say that a road which can get men by paying higher salaries than they are now offering has shown good cause for extending this law.

Mr. ADAMSON. You can not talk about what the facts are, but you are talking about taking jurisdiction. What they are going to prove in a case is another question.

Mr. KNAPP. That is so.

Mr. BARTLETT. Have you seen the proposed amendment, Mr. Knapp?

Mr. KNAPP. I have not.

Mr. WANGER. If I understand you aright, Judge Knapp, the difficulty presented to you so far by the carriers is not that they may not get the men, but that they do not think they ought to be required to get the men to comply with the terms of the law?

Mr. KNAPP. Precisely. Now, in my opinion, that is not good cause. The law does not contemplate that this Commission should exempt carriers as to any stations simply because the Commission thinks it is not necessary for them to have any more than two men there. That is the real question.

Mr. ADAMSON. If we had the evidence in the case before us a good many of us might agree with you; but we have not reached the evidence at all. Men come before us here and ask for additional legislation upon the allegation, that they make to us, that the Commission construes or says it will construe this law to mean that they can only entertain jurisdiction of a case which relates to a particular station at once, insisting, on the other hand, that when they make a case involving as many stations as the difficulty exists at the Commission ought to hear evidence concerning all the stations in that case. All we want to know is about your power and jurisdiction, not the facts, because you do not reach the facts at all. What is the true construction, as your Commission holds, or will hold, about that? Can not a particular carrier in making its case appeal to you in the same particular case for all the stations and operators where it has trouble, leaving you to be the judge of the facts and as to the proof?

Mr. KNAPP. What do you mean by "trouble?"

Mr. ADAMSON. I do not know what the trouble is.

Mr. HUBBARD. He means inability to get men. The question, Judge, in my mind, is whether or not each application, to be judged on its face as presented, shows a particular case in which you have power to act or not, or whether, on the other hand, you are to find a state of circumstances which affect only a single station.

Mr. ADAMSON. Whether the case consists of one or a dozen stations, you have to make up the case on the face of it.

Mr. MANN. Have you had any cases presented to you in conferences or in your hearings?

Mr. KNAPP. We have had no hearings, but we have had two cases presented.

Mr. MANN. Whatever you may say about it so far is obiter dicta.

Mr. KNAPP. I stated at the outset that we have had a brief conference upon the subject, and the entire Commission agree that we have jurisdiction only to take up particular instances and determine whether as to each of them there is some practically insuperable difficulty confronting the carrier other than the mere question of wages.

Mr. ADAMSON. The only question is, Can the carrier bunch all the stations?

Mr. KNAPP. I think so, but we would have to deal with each station. We would not be saved any labor by that.

Mr. KENNEDY. The pleadings in your court are not required to follow technical rules, are they?

Mr. KNAPP. Oh, no. We are very liberal.

Mr. KENNEDY. They might be separate cases and still be all heard together? Is not that true?

Mr. KNAPP. Yes. I venture to express just for a moment the other idea, that any extension that this law contemplates in any case is a temporary one, and ought to have some reasonable relation to the time which Congress itself has allowed all carriers to prepare.

Mr. ADAMSON. There is no doubt about that.

Mr. KNAPP. For example, the safety-appliance law was passed on March 2, 1893. Certain of its provisions were to go into effect on July 1, 1895. The law gave those carriers, as you will observe as to those provisions, two years and four months. We gave them seven months additional. As to automatic couplers, the law gave them five years. We gave them an additional year and seven months, on the showing that it was a matter of physical impossibility, to say nothing of financial impossibility, to get the couplers; that every concern manufacturing couplers in the United States was working night and day, and that they could not be turned out in sufficient numbers to equip the cars in this country within the time fixed by Congress; and more than that—and this was a very important consideration—that even if they had the couplers, it would be necessary to withdraw from the service, say, 20 per cent of the cars all the while, and under the conditions which prevailed at that time that was simply a denial of service to shippers.

Mr. BARTLETT. It occurs to me that instead of discussing what a matter in a particular case meant, you have discussed what would be considered a sufficient cause.

Mr. TOWNSEND. I think he has discussed it very clearly.

Mr. ADAMSON. My understanding is that no new legislation is needed, because they will entertain a petition embracing as many stations as any company presents.

The CHAIRMAN. If there is nothing further, we will thank Mr. Knapp for his presence here to-day. We thank you, sir.

Mr. KNAPP. As I understand, judging from the expressions of my associates, and certainly speaking upon my own judgment, the mere inability to get the men at present wages would furnish no cause for extension.



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